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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Access to and Eligibility for Child Welfare Services

2) Code Citation: 39 Ill. Adm. Code 304

3) Section Numbers: Proposed Action:

304.4 Amend
304.5 Amend

4) Statutory Authority: Section 5 of the Children and Family Services Act (20 ILCS 505/5) (see Public Act 89-21, effective June 6, 1995).

5) A Complete Description of the Subjects and Issues Involved: Public Act 89-21 amended the Children and Family Services Act to prohibit any court from committing a minor over age 13 to the Department of Children and Family Services or placing such a minor in DCFS custody if the minor has been charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent. Public Act 89-680, effective January 1, 1995, amended the Unified Code of Corrections to allow the Department of Children and Family Services to transfer custody of a delinquent minor 10 years of age or older to the Department of Corrections, if it is determined by an interagency review committee that the Department of Children and Family Services lacks adequate facilities to care for and rehabilitate the minor.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? Yes

Section Numbers Proposed Action Illinois Register Citation
304.2 Amend 39 Ill. Reg. 3601, March 24, 1995

10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805/3).

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham
Chief, Office of Rules and Procedures

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Department of Children and Family Services
406 E. Monroe, Station #222
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TTY: 217/524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Public Act 89-21, which was enacted June 8, 1995, specifically amended the Illinois Administrative Procedure Act and found that the State's current financial situation constitutes an emergency. Public Act 89-21 specifically allows State agencies to use emergency rulemaking to implement the purposes of the Act. These proposed amendments continue the emergency rulemaking to implement some of the budgetary control measures enacted in Public Act 89-21.

The full text of the Proposed Amendment begins on page

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Licensing Standards for Foster Family Homes
- 2) Code Citation: 99 Ill. Adm. Code 402
- 3) Section Numbers:
402.28
Proposed Action:
Amend
- 4) Statutory Authority: 125 ILCS 10 (see Public Act 89-21, effective June 3, 1995).
- 5) A. Complete Description of the Subjects and Issues Involved: Public Act 89-21 amended the Adoption Act to allow relatives to adopt children related to them without being licensed first as a foster family home. These proposed amendments to the licensing standards for foster family homes are necessary to implement the provisions of Public Act 89-21.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this part? No
- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805/3).
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:
Jacqueline Nottingham
Chief, Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #222
Springfield, IL 62701-1498
(217) 524-1983 or TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small business should be identified as such.

- 12) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Public Act 89-21, which was enacted June 8, 1995, specifically amended the Illinois Administrative Procedure Act and found that the State's current financial situation constitutes an emergency. Public Act 89-21 specifically allows state agencies to use emergency rulemaking to implement the purposes of the Act. These proposed amendments continue the emergency rulemaking to implement some of the budgetary control measures enacted in Public Act 89-21.

The full text of the proposed amendments begins on page **10744**

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Foster Care Placement Goal

2) Code Citation: 89 Ill. Adm. Code 301

3) Section Numbers: Proposed Action:

301.20	Amend
301.70	New Section
301.200	New Section
301.210	New Section
301.220	New Section
301.230	New Section
301.240	New Section

4) Statutory Authority: The Children and Family Services Act (20 ILCS 505).

5) A Complete Description of the Subjects and Issues Involved: These rules implement the provisions of the Aristotlie P. Consent Decree which requires that when the Department places members of a sibling group it must ensure that siblings be placed together, or if siblings have not been placed together, a diligent search to locate a joint placement be made, and that visitation be scheduled at least twice per month for siblings who are placed apart, and that contact and communication be promoted among siblings who are placed apart.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These amendments do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805/3).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

(217) 524-1983

TTY:(217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

(2) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments do not have an effect on small businesses.

(3) Regulatory Agenda on which this rulemaking was summarized: January 1995

The full text of the proposed amendment begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 301
 PLACEMENT AND VISITATION SERVICES

Section

- 301.1 Purpose (Renumbered)
 301.2 Definition (Repealed)
 301.3 Foster Care Placement Goal (Renumbered)
 301.4 Plans to Achieve This Goal (Renumbered)

SUBPART A: PLACEMENT SERVICES

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 301.30 Introduction
 301.40 Legal Authority to Place
 301.50 Emergency Placement
 301.60 Placement Selection Criteria
 301.70 Sibling Placement
 301.80 Relative Home Placement
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 301.120 Sharing Appropriate Information with the Caregiver
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Section

- 301.200 Purpose
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 301.220 Sibling Visitation
 301.230 Contact Among Siblings Placed Apart
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SUBPART C: FOSTER CARE PLACEMENT GOAL

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 301.330 Plans to Achieve This Goal

APPENDIX A

Criminal Convictions which Prevent Placement of Children with Relatives

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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AUTHORITY: Implementing and authorized by the Children and Family Services Act (20 ILCS 505); Section 3-6-2(g) of the Unified Code of Corrections (130 ILCS 5/3-6-2(g)); Section 1-103 of the Illinois Alcoholism and Dangerous Drug Dependency Act (20 ILCS 305/1-103); Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 (705 ILCS 405); and the Adoption Act (750 ILCS 50).

SOURCE: Adopted and codified at 7 Ill. Reg. 891, effective January 12, 1983; amended at 9 Ill. Reg. 9904, effective July 1, 1985; amended at 19 Ill. Reg. 2438, effective July 1, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: PLACEMENT SERVICES

Section 301.20 Definitions

"Administrative case review" or "ACR" means case reviews required by 42 U.S.C.A. 675(1) and 20 ILCS 505/6a.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as established by the Illinois Department of Public Aid in 89 Ill. Adm. Code 111, Assistance Standards.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) signed an adoptive surrender or voluntary placement agreement with the Department.

"Contact between siblings", as used in this Part, means telephone and written communication among siblings who are placed apart from one another.

"Department" as used in this Part, means the Department of Children and Family Services.

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"Diligent search", as used in this Part, means the efforts used by the Department to find a joint placement for siblings who must be placed apart from their families. Diligent search is further defined in Section 301.70(c) of this Part.

"Family" means one or more adults and children, related by blood, marriage, or adoption and residing in the same household.

"Federally-funded foster care" means foster care maintenance payments made in accordance with Title IV-E of the Social Security Act for which federal matching grants are received.

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

"Joint placement", in the context of sibling placement, means the siblings are placed in the same substitute care setting.

"LEADS" means Law Enforcement Agency Data System.

"Parents" means the child's legal parents whose parental rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanent family placement" means placement in a foster family home or a relative home which is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child or the foster parent or relative may assume guardianship of the child.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Region" means Cook County or any of the downstate Department of Children and Family Services regions.

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. (20 ILCS 505/7(b))

"Residential facility", for the purposes of the Aristotle P. Consent Decree, means all non-foster care or relative home care placements.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children required by 42 U.S.C. Section 675(5) and 125 ILCS 5.9-2, and 42 Ill. Adm. Code 305. Client Service Planning.

"Short-term diagnostic placement" means a placement limited to 30 days after the time period deemed clinically necessary to complete the appropriate diagnostic evaluation or treatment, and in no event shall last more than 30 days.

"Siblings" mean children in the custody or guardianship of the Department who have a shared biological or adoptive parent.

"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care of a child for whom the Department is legally responsible provided in a relative family home, care provided in a group home, and care provided in a child care or other institution.

"Visitation", as used in this Subpart, means face-to-face contact between parents and their children who are in substitute care or among siblings who are placed apart from one another.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 301.70 Sibling Placement

- a) It is the policy of the Department to place siblings together unless:
- 1) it is in the best interests of one or more of the children to be placed apart or to remain apart from his or her siblings;
 - 2) the Department has been unable to locate a joint placement for the siblings, despite a diligent search by the Department as defined in subsection (c) of this Section;
 - 3) a court has ordered that the siblings be placed apart; or
 - 4) it is in the best interests of the child or his or her sibling(s) to be placed with a relative and the relative is not willing to accept all the children.
- b) It shall be in the best interests of a child to be placed apart from his or her siblings only if:
- 1) the child has been placed in a short-term diagnostic placement in order to determine the placement needs of the child;
 - 2) the child has special medical, educational, behavioral, or emotional needs which require the child to be placed apart from his or her siblings and the child has been placed or accepted at a placement intended to address those needs;
 - 3) the child is at risk of physical, mental, or emotional harm if placed with his or her siblings and the specific risk and the basis for assessing that risk are documented in the child's case file;
 - 4) placement of the child with his or her siblings would require that the child be removed from a current foster home and it is in the best interests of the child to remain in that foster home rather than move to a joint placement with his or her siblings;
 - or
 - 5) it is necessary to place the child apart from his or her siblings in order to achieve permanency for the child.
- c) A diligent search to locate a joint placement for siblings shall consist of written documentation that:
- 1) the Department has asked the siblings' parents and known relatives whether there are any relatives who may be willing to become relative foster parents for the siblings;
 - 2) the Department has asked any current foster parents of a child already in Department custody or guardianship whether they can accommodate the child's siblings in accordance with licensing standards; and
 - 3) the Department has conducted a search of vacant Department and private agency foster care placements and other appropriate placements in the same region as the parents' home to identify those placements that can provide a joint placement for the sibling group and that meet the placement requirements for all Department cases as set forth in this Subpart.
- d) If siblings have not been placed together at the time the Department

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- is awarded custody of one or more of the siblings, the diligent search to locate a joint placement for siblings shall be conducted:
- 1) not later than 30 days after the Department is awarded custody of a sibling group or of any child who has a sibling in placement;
 - 2) when the Department changes the placement of any child with a sibling, unless it is in the best interests of the child or sibling to be placed apart, as delineated in subsection (b) of this Section. Nothing in this Part shall preclude removal of a child from a placement with a sibling when such removal is necessary due to an emergency. An emergency includes but is not limited to situations such as a fire or natural disaster destroying the caregiver's home, behavior on the part of the child which poses a threat to the child or to others in the home, incidents of abuse or neglect which put the child at imminent risk of harm, etc.
- a) If an entire sibling group is not placed together, the Department shall place as many siblings of the group together as possible, considering their relationship and the best interests of the children. If the Department determines it is not in the best interests of the child to be placed with his or her siblings, the Department shall identify in the child's case plan the reasons why the siblings were placed apart. If siblings have been placed apart pursuant to subsection (a) of this Section, the Department shall document in the case file the efforts made to place siblings together.
- b) If an entire sibling group cannot be placed together, the Department shall make reasonable efforts to place siblings within reasonable proximity to one another, taking into account the placement requirements for all Department cases as set forth in this Part. The Department may place a child at greater distance from his or her siblings if his or her treatment needs require placement farther away. If the Department places siblings apart or siblings remain placed apart after a change in placement, the efforts made to place siblings together and the reasons why the siblings are placed apart shall be specifically reviewed at the first administrative case review following such placement to ensure compliance with the requirements of this Section.
- c) When it is necessary to place siblings apart the Department shall provide for contact and visitation between the siblings in accordance with Sections 301.220 and 301.230 of this Part.
- d) If the Department decides to separate siblings who are placed together, it shall notify each child (if seven years of age or older) and the children's attorney and guardian ad litem in writing no later than ten days prior to implementation of its decision unless remaining in the joint placement poses an imminent risk of harm to one or more of the children. In such a case, the Department shall notify each child (seven years of age or older) and the children's attorney and guardian ad litem in writing no later than five days after its decision to separate the siblings.

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Source: Added at 13 Ill. Reg. _____, effective _____

SUBPART B: VISITATION SERVICES

Section 301.200 Purpose

The purpose of this Subpart is to describe the Department's policy regarding visitation among children who are placed in substitute care and their parents, siblings and grandparents.

Source: Added at 13 Ill. Reg. _____, effective _____

Section 301.210 Family-Child Visitation

a) The Department recognizes that there is a strong correlation between regular parental visits and contacts with a child and the child's discharge from placement services. Therefore, when a child is in placement and the permanency goal is return home, parent-child visits, telephone calls at reasonable hours, and mail are encouraged unless a court order prohibits such contact. The responsible agency shall arrange for parent-child visits and shall advise parents that repeated failure to visit according to the visiting plan shall be considered a demonstration of a lack of parental concern for the child and may result in the Department seeking a termination of parental rights.

b) When the permanency goal is return home, a visiting plan shall:

- 1) be established before placement or within three working days after placement out-of-home unless the placement was an emergency;
- 2) be established within ten working days after an emergency placement;
- 3) specify that visits are to begin immediately;
- 4) specify that parents shall be expected to visit weekly unless there is documentation to the contrary in the case record;
- 5) increase in length unless specific harm to the child is caused by the visits;
- 6) specify visiting in the home of the child's parents, if consistent with the safety and well-being of the child. When visits in the home of the child's parents are not consistent with the child's safety and well-being, visits shall be in the most home-like setting possible. Office visits are acceptable if structure is necessary to evaluate or protect the child; and
- 7) specify the responsibilities of the Department, the purchase of service providers, the parents, and the child in regard to visitation.

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Source: Added at 13 Ill. Reg. _____, effective _____

Section 301.220 Sibling Visitation

a) The Department shall schedule and provide visits among all siblings in substitute care who are placed apart at least twice per month, beginning no later than two weeks after the Department is awarded temporary custody of any sibling, unless:

- 1) a court has ordered that sibling visits occur less frequently or not at all;
 - 2) the child has stated that he or she does not want to visit with his or her sibling(s) or wants to visit less frequently and has been counseled by the Department on the importance of maintaining family ties. If such a child is age 16 or under, the Department shall inquire of the child at least quarterly whether he or she wants to resume or increase the frequency of visits; or
 - 3) one sibling may physically, mentally, or emotionally harm another during the visit, and supervision would be inadequate to eliminate the risk of such harm as determined by direct observation or documentation of their interaction as recorded in the child's case file.
- b) If a sibling is placed in a residential facility, visitation with that child may occur less frequently than twice per month if:
- 1) the child is at risk of physical harm if he or she visits with his or her siblings and that harm is specifically documented in the child's case file;
 - 2) the child is at risk of mental or emotional harm if he or she visits with his or her siblings as determined by a qualified mental health professional; or
 - 3) the child is placed in a residential facility that is located more than 50 miles from his or her siblings, provided, however, that in such event the Department shall provide the child a visit with his or her siblings, preferably overnight, at least every other month.
- c) If the frequency of visits between two siblings is reduced to less than twice per month, the frequency of each child's visits with the other sibling(s), if any, and of the other sibling's visits with each other shall not be reduced except for the reasons stated in subsections a)(1) through (3) or b)(1) through (3) above or this Section, or by order of a court.
- d) Neither the Department nor its contractual agencies shall reduce nor seek to have a court reduce the frequency of visits based on the unavailability of a supervisor for the visits or as a form of discipline.
- e) Visits may begin sooner than two weeks after the Department is awarded temporary custody of a sibling, if the siblings express a desire to see each other, no court has prohibited visits, and a qualified

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supervisor (if deemed necessary) and an appropriate time and location for visits have been identified.

- 2) A sibling visitation plan, specifying the frequency of sibling visits, shall be developed by the siblings' caseworker(s), foster parents, and the children (seven years of age and older) within 30 days after award of temporary custody of the siblings. The sibling visitation plan shall be included in the children's case plans.
- 3) The sibling visitation plan may be included as a part of and implemented in coordination with a plan for parent-child visits developed in accordance with Section 301.230, Family-Child Visitation. The frequency of sibling visitation shall in no way be affected by the failure of any parent to visit his or her children for any reason.
- 4) The sibling visitation plan shall specify the duration of sibling visits and may also include the location and supervision to be provided for visits. A brief statement of the reasons for selecting the frequency and duration of sibling visits as specified in the visitation plan shall also be recorded in the plan.
- 5) No changes shall be made in the sibling visitation plan without prior consultation with the siblings (seven years old and older) and with the siblings' foster parents unless there is substantial risk of harm to the child if the visits continue unchanged. The sibling visitation plan and its implementation shall be reviewed at each child's administrative case review.

Source: Added at 19 Ill. Reg. _____, effective _____

Section 301.230 Contact Among Siblings Placed Apart

- a) If the Department determines that it is in the child's best interests to be provided information on a sibling's whereabouts or to have his or her whereabouts provided to his or her siblings, and no court has prohibited disclosure of this information, the Department shall promote contact and communication among siblings placed apart by taking the following actions:

- 1) the Department shall provide children who are seven years old and older and their foster parents or other caregiver with each sibling's birth date and the name, address, and telephone number of the foster parent or other caretaker of each sibling placed by the Department in substitute care. The Department shall also provide such information regarding siblings in the custody of a parent, if that information is or becomes known to the Department;
- 2) whenever a child is moved to another placement, the Department shall give written notice of the name, address, and telephone number of the child's new foster parent or other caregiver to each sibling and the foster parent or other caregiver of each sibling in writing within seven days after the move; and

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- 1) the Department shall permit and shall encourage foster parents and caregivers to assist children to visit and phone their siblings as often as the children wish, provided, however, that, if necessary, a plan for scheduling reasonable phone calls may be established by the children's caseworker, together with the foster parent or other caregiver and the children. This plan shall be incorporated in the children's service plans. The Department shall also facilitate the use of mail for siblings' contact with each other, including payment of postage.
- 2) if the Department determines that it is not in a child's best interests to be provided information on a sibling's whereabouts or to have information on his or her whereabouts provided to his or her siblings, the Department shall notify each child's attorney and guardian ad litem in writing within seven days after that determination. The Department shall also record the reasons for that determination in the children's case records.
- 3) Neither the Department nor its contractual agencies shall restrict or seek to have any court restrict contact among siblings as a form of discipline under any circumstances.

Source: Added at 19 Ill. Reg. _____, effective _____

Section 301.240 Grandparent Visitation

The Department will allow visits between grandparents or great-grandparents and children in substitute care when the grandparents or great-grandparents have been granted visiting privileges by a divorce court in accordance with the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/607).

(Source: Added at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Services Delivered by the Department

2) Code Citation: 99 Ill. Adm. Code 302

3) Section Numbers: Proposed Action:

302.319 Amend

4) Statutory Authority: Section 5 of the Children and Family Services Act (20 ILCS 505/5) (see Public Act 99-21, effective June 8, 1995).

5) A Complete Description of the Subjects and Issues Involved: Public Act 99-21 amended the Children and Family Services Act to limit adoption assistance payments to at least \$25 less than the monthly cost of care of the child in a foster home, as set forth in the annual assistance agreement. This is \$24 per month less than the current maximum payment for adoption assistance. These proposed rules are enacted to enable the Department to begin making adjustments in annual adoption assistance agreements effective July 1, 1995 in order to comply with Public Act 99-21.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
302.20	Amend	99 Ill. Reg. 3730, March 24, 1995
302.40	Amend	99 Ill. Reg. 3730, March 24, 1995
302.320	Amend	99 Ill. Reg. 3730, March 24, 1995
302.330	Amend	99 Ill. Reg. 3730, March 24, 1995
302.340	Amend	99 Ill. Reg. 3730, March 24, 1995
302.370	Amend	99 Ill. Reg. 3730, March 24, 1995
302.390	Repeal	99 Ill. Reg. 3730, March 24, 1995

10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

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Jacqueline Nottingham
Chief, Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #222
Springfield, IL 62701-1498
(217) 524-1983 or TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Public Act 99-21, which was enacted June 8, 1995, specifically amended the Illinois Administrative Procedure Act and found that the State's current financial situation constitutes an emergency. Public Act 99-21 specifically allows state agencies to use emergency rulemaking to implement the purposes of the Act. These proposed amendments continue the emergency rulemaking to implement some of the budgetary control measures enacted in Public Act 99-21.

The full text of the proposed amendments begins on page **10748**

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1) Heading of the Part: Aid to Families with Dependent Children2) Code Citation: 89 Ill. Adm. Code 1123) Section Numbers: Proposed Action:

112.251 Amendment

112.252 Amendment

112.253 Amendment

112.254 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) (305 ILCS 5/12-13) and P.A. 89-6.

5) Complete Description of the Subjects and Issues Involved: Pursuant to Public Act 89-6, the Department is making changes in the Aid to Families with Dependent Children (AFDC) program. Contingent upon receipt of an approved federal waiver, these proposed amendments establish that effective October 1, 1995, cash assistance will not increase solely because of the birth of a child to the assistance unit. The cash assistance will be capped at the pre-birth payment level. The Auburn Park local office will be used as a control office and cases will be randomly assigned to this project. The control cases in Auburn Park local office will not be subject to this limitation. Medicaid coverage, food stamps and child care will not be included in the cap. This rulemaking provides that cash assistance will not increase for an assistance unit that fails to comply with eligibility requirements or an assistance unit that voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months. However, an increase in the payment level will be allowed if:

- 1) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
- 2) for cases active as of October 1, 1995, the birth occurs within ten months of the date of implementation (by July 31, 1996);
- 3) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapplication;
- 4) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months; or

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5) the child was born as a result of a verified rape or incest.

These proposed amendments do not prevent an assistance unit from receiving a general increase in the amount of aid that is provided to all recipients. This rulemaking also deletes references to "grandfathered" payment levels as they have been phased out. Related changes are also being proposed in 89 Ill. Adm. Code 110.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.3	Amendment	July 14, 1995 (19 Ill. Reg. 9376)
112.67	New Section	May 5, 1995 (19 Ill. Reg. 6257)
112.300	Amendment	July 14, 1995 (19 Ill. Reg. 9376)
112.306	Amendment	July 14, 1995 (19 Ill. Reg. 9376)
112.308	Amendment	July 14, 1995 (19 Ill. Reg. 9376)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Munna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40).

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

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2) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section
112.1 Description of the Assistance Program
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section
112.70 Participation Requirements for JOBS
112.71 Individuals Exempt from JOBS
112.72 JOBS Participation Cooperation Requirements
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74 JOBS Initial Assessment Process/Development of an Employability Plan
112.76 JOBS Orientation
112.77 Conciliation and Fair Hearings
112.78 JOBS Components
112.79 JOBS Sanctions
112.80 Good Cause for Failure to Comply with JOBS Participation Requirements
112.81 Responsible Relative Eligibility for JOBS
112.82 JOBS Supportive Services
112.83 Young Parents Program
112.84 Work Experience Evaluation Project
112.85 Four Year College/Vocational Training Demonstration Project

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SUBPART E: PROJECT ADVANCE

Section	
112.96	Project Advance
112.97	Project Advance Experimental and Control Groups
112.98	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.99	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.30	Project Advance Sanctions
112.91	Good Cause for Failure to Comply with Project Advance
112.93	Individuals Exempt From Project Advance
112.95	Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section		Employed	On	Date of
112.100	Unearned Income			
112.101	Unearned Income of Stepparent or Parent			
112.105	Budgeting Unearned Income			
112.106	Budgeting Unearned Income of Applicants			
112.107	Initial Receipt of Unearned Income			
112.108	Termination of Unearned Income			
112.110	Exempt Unearned Income			
112.115	Education Benefits			
112.120	Incentive Allowances			
112.125	Unearned Income In-Kind			
112.126	Earmarked Income			
112.127	Lump Sum Payments			
112.128	Protected Income			
112.130	Earned Income			
112.131	Earned Income Tax Credit			
112.132	Budgeting Earned Income			
112.133	Budgeting Earned Income of Applicants			
112.134	And/Or Date Of Decision			
112.134	Initial Employment			
112.135	Budgeting Earned Income For Contractual Employees			
112.136	Budgeting Earned Income For Non-Contractual School Employees			
112.137	Termination of Employment			
112.138	Transitional Payments (Repealed)			
112.140	Exempt Earned Income			
112.141	Earned Income Exemption			
112.142	Exclusion From Earned Income Exemption			

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112.143	Recognized Employment Expenses
112.144	Income From Work Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section	
112.250	Grant Levels
112.251	Payment Levels in AFDC
112.252	Payment Levels in AFDC Group I Counties
112.253	Payment Levels in AFDC Group II Counties
112.254	Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section	
112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Monthly Reporting
112.303	Retrospective Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Aliens
112.308	Special Needs Authorizations
112.309	Institutional Status
112.315	Young Parent Program (Renumbered)
112.320	Redetermination of Eligibility
112.330	Extension of Medical Assistance Due to Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
112.332	Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340	New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

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Section	
12.350	Child Care
12.352	Child Care Eligibility
12.354	Qualified Provider
12.356	Notification of Available Services
12.358	Participant Rights and Responsibilities
12.362	Additional Service to Secure or Maintain Child Care Arrangements
12.364	Rates of Payment for Child Care
12.366	Method of Providing Child Care
12.370	Non-JOBS Education and Training Program
SUBPART K: TRANSITIONAL CHILD CARE	
Section	
12.400	Transitional Child Care Eligibility
12.404	Duration of Eligibility for Transitional Child Care
12.406	Loss of Eligibility for Transitional Child Care
12.408	Qualified Child Care Providers
12.410	Notification of Available Services
12.412	Participant Rights and Responsibilities
12.414	Child Care Overpayments and Recoveries
12.416	Fees for Service for Transitional Child Care
12.418	Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) (305 ILCS 5/Art. IV and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 3 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 3 Ill. Reg. 31, p. 434, effective August 5, 1978; emergency amendment at 3 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 3 Ill. Reg. 46, p. 56, effective November 1, 1979; emergency amendment at 3 Ill. Reg. 46, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 39, p. 32, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 329, effective August 19, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 40, p. 211, effective September 21, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 5, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 13, 1979; amended at 3 Ill. Reg. 47, p. 36, effective November 13, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 531, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 27, 1980; emergency amendment at 4 Ill. Reg. 29, p. 394, effective July 3, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective

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September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 1, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 13, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11322, effective September 11, 1982; amended at 6 Ill. Reg. 12233, effective October 1, 1982; amended at 6 Ill. Reg. 12319, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 307, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 720, effective February 23, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 8195; amended at 7 Ill. Reg. 12294, effective August 16, 1983; amended at 7 Ill. Reg. 13970, effective October 1, 1983; amended at 7 Ill. Reg. 15590, effective November 3, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17144, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 1076, effective March 1, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17994; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19893, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 9

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111. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4895, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 4, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21960, effective December 2, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 8781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 344, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6994, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 9,

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1989; emergency amendment at 13 Ill. Reg. 16142, effective October 1, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 11227, effective September 30, 1991; amended at 15 Ill. Reg. 17008, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13623, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 3253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6925, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 3703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 18 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2345, effective February 24, 1995; amended at 19 Ill. Reg. 509, effective March 11, 1995; amended at 19 Ill. Reg. 7833, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. _____, effective _____.

SUBPART H: PAYMENT AMOUNTS

Section 112.251 Payment Levels in AFDC

a) The Payment Levels for AFDC are flat, monthly standard amounts. The amount for an assistance unit is based in three variables:

- 1) The number in the assistance unit except as specified in subsection (b) below;
- 2) The presence or absence of an adult in the assistance unit, and

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- 3) The grouping of the county in which the assistance unit lives, contingent upon receipt of an approved federal waiver, effective October 1, 1995, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance is capped at the pre-birth payment level. The Auburn Park Local Office is a research office and cases will be randomly assigned to this project. The control cases in Auburn Park Local Office are not subject to this limitation. Medicaid coverage, food stamps and child care are not included in the cap.
- 1) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with the eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.
- 2) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:
- the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
 - for cases active as of October 1, 1995, the birth occurs within ten months after the date of implementation by July 11, 1995;
 - the child is received after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any application;
 - the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months; or
 - the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a local law enforcement agency.
- 4) The assistance unit will receive a general increase in the amount of cash assistance if all recipients are eligible for cash assistance and the assistance unit is receiving payment levels is done by rounding down to the next whole dollar amount.

Source: Amendment 31, 1995, Act. Effective Date: 10/1/95

Section 112.252 Payment Levels in AFDC Group I Counties

- The following Payment Levels are established for the AFDC Program in Group I Counties.
- The counties included in Group I are:

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Boone	Champaign	Kankakee	Kane	Qgle
Cook		Kendall		Whiteside
DeKalb		Lake		Winnebago
DuPage		McHenry		Woodford
SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN)	CHILD(REN) ONLY	CURRENT	PROPOSED
1	212	202		
2	278	201		
3	377	149		
4	414	113		
5	485	179		
6	545	407		417
7	574	438		479
8	604	469		
9	635	503	549	
10	669	538	790	
11	705	576		
12	741	614		
13	781			
14	822			
15	866			
16	911			
17	959			
18	1010			

- c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$50.00 or \$38.00 respectively for each person above 18 or 12.
- d) As the legislature has determined that payments under the AFDC program should contain amounts for the purpose of energy assistance, and has directed that such amounts be calculated by the first \$1.11 of the AFDC Payment Level for Caretaker Relatives and 12.00 when designated as being for the purpose of energy assistance.
- e) Contingent upon receipt of an approved federal waiver, effective October 1, 1995, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The Auburn Park Local Office is a research office and cases will be randomly assigned to this project. The control cases in Auburn Park Local Office are not subject to this limitation. Medicaid coverage, food stamps and child care are not included in the cap.

- Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.

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subsequently becomes eligible for cash assistance within nine months.

- 2) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:

A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;

- B) for cases active as of October 1, 1995, the birth occurs within ten months after the date of implementation (by July 31, 1996);

- C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapportionment;

- D) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months; or

- E) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party.

- 3) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.

4) For assistance units which contain both caretaker relatives and children and which contain one or more persons who are payment levels are established as current and grandfathered. Likewise for assistance units with children only and which contain eight or more persons, two payment levels are established as current and grandfathered.

- 5) Grandfathered payment levels apply for families who are as of that family size as of January 1, 1997. Those families will remain at that payment level until there is a change in family composition or the family goes off the assistance rolls. If such a family changes family composition, adds a member or loses a member, the current payment level for the appropriate family size will be used. If such a family goes off assistance and then comes back on the family will come back on the assistance rolls at the current payment level for the appropriate family size. The Department will not withdraw a grandfathered status if a change in family composition is recorded or if an assistance unit is retroactively cancelled and then reinstated. Current payment levels are the regular payment levels used by the Department and shall be used for all persons except those who meet the criteria of subsection (c) above.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 112.253 Payment Levels in AFDC Group II Counties

- a) The following Payment Levels are established for the AFDC Program in Group II Counties.
- b) The counties included in AFDC Group II are:

Adams	Henry	Macoupin	Putnam
Bureau	Jackson	Madison	Rock Island
Carroll	Jackson	McDonough	Sangamon
Clinton	Jo Davies	McLean	St. Clair
Coles	Knox	Mercer	Stephenson
Dewitt	Lasalle	Monroe	Tazewell
Douglas	Lee	Moultrie	Vermillion
Effingham	Livingston	Georgia	Wabash
Ford	Logan	Platt	Warren
Fulton	Macon		Will
Grundy			

SIZE OF FAMILY	CARETAKER RELATIVE(S) AND CHILD(REN)	CHILD(REN) ONLY CURRENT	GRANDFATHERED
1	104	37	
2	169	34	
3	365	42	
4	403	11	
5	471	36	
6	529	37	403
7	557	42	
8	588	45	
9	619	49	
10	651	52	
11	685	56	
12	721	61	
13	760	69	
14	799		
15	841		
16	886		
17	934		
18	982		

- c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48.00 or \$38.00 respectively for each person above 18 or 12.

- d) As the legislature has determined that payments under the AFDC program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the AFDC Payment Level for Caretaker Relatives and Children has been

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12 596
13 33
14 11
15 11
16 555
17 200
18 248

1) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48.00 or \$36.00 respectively for each person above 18 or 12.

2) As the legislature has determined that payments under the AFDC program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the AFDC Payment Level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.

3) Contingent upon receipt of an approved federal waiver, effective October 1, 1995, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance is capped at the pre-birth payment level. The Auburn Park local office is a research office and cases will be randomly assigned to this project. The control cases in Auburn Park local office are not subject to this limitation. Medicaid coverage, food stamps and child care are not included in the cap.

4) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.

5) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:

A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;

3) for cases active as of October 1, 1995, the birth occurs within ten months after the date of implementation (by July 1, 1996);

2) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapplication;

2) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months; or

3) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party.

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1) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.
2) For on assistance units with three or more children, the amount of cash assistance shall be increased by \$18 per month for each child under the age of 18 who is a resident of the household.
3) The Department will conduct a study to determine the effect of the proposed changes on the AFDC program and the need for additional funding.
4) The Department will conduct a study to determine the effect of the proposed changes on the AFDC program and the need for additional funding.
5) The Department will conduct a study to determine the effect of the proposed changes on the AFDC program and the need for additional funding.
6) The Department will conduct a study to determine the effect of the proposed changes on the AFDC program and the need for additional funding.
7) The Department will conduct a study to determine the effect of the proposed changes on the AFDC program and the need for additional funding.
8) The Department will conduct a study to determine the effect of the proposed changes on the AFDC program and the need for additional funding.
9) The Department will conduct a study to determine the effect of the proposed changes on the AFDC program and the need for additional funding.
10) The Department will conduct a study to determine the effect of the proposed changes on the AFDC program and the need for additional funding.

Source: Amended at 13 Ill. Reg. effective

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1) Heading of the Part: Demonstration Programs

2) Code Citation: 39 Ill. Adm. Code 170

3) Section Number: Proposed Action:

170.350 New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) (305 ILCS 5/12-13) and P.A. 89-6.

5) Complete Description of the Subjects and Issues Involved: Pursuant to Public Act 89-6, the Department is making changes in the Aid to Families with Dependent Children (AFDC) program. Contingent upon receipt of an approved federal waiver, these proposed amendments establish that effective October 1, 1995, cash assistance will not increase solely because of the birth of a child to the assistance unit. The cash assistance will be capped at the pre-birth payment level. The Auburn Park Local Office will be used as a control office and cases will be randomly assigned to this project. The control cases in Auburn Park Local Office will not be subject to this limitation. Medicaid coverage, food stamps and child care will not be included in the cap.

This rulemaking provides that cash assistance will not increase for an assistance unit that fails to comply with eligibility requirements or an assistance unit that voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months. However, an increase in the payment level will be allowed if:

- 1) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
- 2) for cases active as of October 1, 1995, the birth occurs within ten months of the date of implementation (by July 31, 1996);
- 3) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapplication;
- 4) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;
- 5) the child was born as a result of a verified rape or incest.

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These proposed amendments do not prevent an assistance unit from receiving a general increase in the amount of aid that is provided to all recipients. Related changes are also being proposed in 89 Ill. Adm. Code 172.

3) Will these proposed amendments replace emergency amendments currently in effect? No

4) Does this rulemaking contain an automatic repeal date? No

5) Do these proposed amendments contain incorporations by reference? No

6) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
170.300	Amendment	July 7, 1995 (19 Ill. Reg. 8933)

7) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

8) Time, Place, and Manner in which Interested Persons may comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (ILCS 100/5-40).

9) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

3) Reporting, bookkeeping or other procedures required for compliance: None

4) Types of professional skills necessary for compliance: None

5) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

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The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER 14: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 9: DEMONSTRATION PROGRAMS

PART 17:
DEMONSTRATION PROGRAMS

SUBPART A: THE FRESH START
WELFARE REFORM DEMONSTRATION PROGRAM

Section
170.10
170.20
170.30
170.40
170.50

Youth Employment and Training Initiative
Paternal Involvement Project
Homeless Families Support Project
Family Responsibility Project
Income Budgeting Project

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section
170.100
170.110
170.120
170.130

The Career Advancement Program
Career Advancement Experimental and Control Groups
Career Advancement Participation Requirements of Experimental Group Members
Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section
170.200

Community Group Participation Program

SUBPART D: EARNED INCOME INITIATIVE

Section
170.250

Work Pays Demonstration

SUBPART E: FAMILY DEVELOPMENT PLAN

Section
170.300

Tuancý Prevention Project

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section
170.350

Family Accountability

AUTHORITY: Implementing and authorized by Sections 4-8, 11-20, 12-13 and 12-4.28 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par.

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4-8, 11-20, 12-13 and 12-4.28) [305 ILCS 5/4-8, 11-20, 12-13 and 12-4.28].

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3372, effective February 18, 1994; emergency amendment at 19 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 7901, effective June 8, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section 170.350 Family Accountability

- a) Contingent upon receipt of an approved federal waiver, effective October 1, 1995, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance is capped at the pre-birth payment level. The Auburn Park Local Office is a research office and cases will be randomly assigned to this project. The control cases in Auburn Park local office are not subject to this limitation. Medicaid coverage, food stamps and child care are not included in the cap.
- b) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.
- c) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:
 - 1) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
 - 2) for cases active as of October 1, 1995, the birth occurs within ten months after the date of implementation by July 31, 1996;
 - 3) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapplcation.
- d) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months; or
- e) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party.
- f) In three-generation assistance units, if the minor parent in the assistance unit requests that they be made the grantee, the former

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caretaker relative or caretaker relatives cannot be included in the minor grantee's assistance unit as an essential person.
 e) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.

Source: Added at 19 Ill. Reg. _____, effective _____.

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1) Heading of the Part: Hospital Services2) Code Citation: 89 Ill. Adm. Code 1483) Section Numbers: Proposed Action:

148.120 Amendment
 148.140 Amendment
 148.160 Amendment
 148.170 Amendment
 148.295 New Section
 148.310 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments describe changes in reimbursement methodologies for hospital services covered under the Medical Assistance Program. The Department is initiating the changes found in Sections 148.120 through 148.170 to maximize the availability of federal matching funds (FFP) to hospitals as permitted by Illinois' federal disproportionate share (DSH) spending limitations and federal upper limits. The changes are intended to increase funding for hospital services and improve services for Medicaid recipients, while complying with the budget plan for fiscal year 1996. These rate changes for hospital services are consistent with current reimbursement methodologies and ensure compliance with federal regulations.

In Sections 148.120, 148.140 and 148.160, proposed changes will affect rates of reimbursement for county-owned hospitals in Illinois counties which have populations greater than three million. Section 148.120 describes revisions to the DSH adjustment calculation which meet requirements found in Public Law 103-66. Section 148.140 is being revised by the addition of a county facility outpatient rate adjustment. Section 148.160 is being revised to reflect a Medicaid percentage adjustment, a critical inpatient adjustment, and a redefinition of the supplemental DSH adjustment as an inpatient adjustment.

Proposed changes to Section 148.170, which addresses reimbursement for hospitals organized under the University of Illinois Hospital Act, affect the multiplier for the DSH calculation.

Additionally, the Department is also initiating the implementation of a critical hospital adjustment payment, as described in Section 148.295. Hospitals meeting certain criteria, but excluding county-owned hospitals and hospitals organized under the University of Illinois Hospital Act, will be eligible for this payment adjustment. These payments will

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recognize and ensure the availability of critical hospital services, including trauma care, perinatal care, obstetrics, rehabilitation and pediatrics. Hospitals with high Medicaid utilization and high occupancy levels will also qualify for critical hospital adjustment payments. These provisions respond to Public Act 89-21 which allows the Department to establish criteria for the payment adjustment methodology described in Section 148.295. Review procedures regarding critical hospital adjustment payments are detailed in Section 148.310.

It is anticipated that these proposed amendments will result in an annual increase in Department expenditures of approximately \$549 million; approximately one-half of that amount is FFP.

Will these proposed amendments replace emergency amendments currently in effect? Yes

Does this rulemaking contain an automatic repeal date? No

Do these proposed amendments contain incorporations by reference? No

Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
148.175	New Section	May 12, 1995 (19 Ill. Reg. 6443)
148.240	Amendment	May 12, 1995 (19 Ill. Reg. 6443)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
 Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Ave. E., 3rd Floor
 Springfield, IL 62762
 (217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40).

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Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 9:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with Federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-95 of the Illinois Administrative Procedure Act. (5 ILCS 120/1-75, 1-80, 1-85). These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act (5 ILCS 120/5-30). These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

1) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals

3) Reporting, bookkeeping or other procedures required for compliance: None

2) Types of professional skills necessary for compliance: None

3) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the 1995 and 1996 agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Proposed Action:
-40.535 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) (305 ILCS 5/12-13)

5) Complete Description of the Subjects and Issues Involved: These proposed amendments provide clarifications concerning cost reports associated with appeals by providers of long term care services, relative to increases in facility real estate taxes. When a long term care facility chooses to appeal an increase in real estate tax, the direct cost of the appeal may be reported as a real estate tax cost instead of a professional fee cost. Only fees paid to lawyers or organizations which specialize in real estate tax appeals may be considered to be a direct appeal cost. The proposed amendments specify that appeal services provided by related entities may not be classified as real estate tax costs. Related entities, as described in Section 140.537, include organizations with overlapping ownership and organizations with ownership interests held by relatives of the owners of the reporting facility. The proposed amendments also make clear that professional fees may not be reported as real estate tax costs if no appeal of an increase in real estate taxes is filed. These proposed amendments will not result in any increased expenditures.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.3	Amendment	June 23, 1995 (19 Ill. Reg. 8065)
140.5	Amendment	June 23, 1995 (19 Ill. Reg. 8066)
140.27	Amendment	May 5, 1995 (19 Ill. Reg. 6268)
140.80	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.82	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.84	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.440	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.443	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.444	Amendment	July 7, 1995 (19 Ill. Reg. 8938)

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140.445	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.446	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.447	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.461	Amendment	June 16, 1995 (19 Ill. Reg. 7806)
140.500	Amendment	July 14, 1995 (19 Ill. Reg. 9386)
140.504	Amendment	July 14, 1995 (19 Ill. Reg. 9386)
140.505	Repeal	July 14, 1995 (19 Ill. Reg. 9386)
140.642	Amendment	April 14, 1995 (19 Ill. Reg. 5397)

The full text of the Proposed Amendments begins on the next page:

1) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

2) Time, Place, and Manner in which Interested Persons may comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40). These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act (5 ILCS 100/1-75, 1-80, 1-85). These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act (5 ILCS 100/5-30). These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

3) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Long term care facilities

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

4) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

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TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

- Section
-40.1 Incorporation By Reference
-40.2 Medical Assistance Programs
-40.3 Covered Services Under the Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)
-40.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
-40.5 Covered Medical Services Under GA
-40.6 Medical Services Not Covered
-40.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
-40.8 Medical Assistance for Qualified Severely Impaired Individuals
-40.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
-40.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

- Section
-40.11 Enrollment Conditions for Medical Providers
-40.12 Participation Requirements for Medical Providers
-40.13 Definitions
-40.14 Denial of Application to Participate in the Medical Assistance Program
-40.15 Recovery of Money
-40.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
-40.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
-40.18 Effect of Termination on Individuals Associated with Vendor
-40.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
-40.20 Submittal of Claims
-40.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

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- 40.22 Magnetic Tape Billings
-40.23 Payment of Claims
-40.24 Payment Procedures
-40.25 Overpayment or Underpayment of Claims
-40.26 Payment to Factors Prohibited
-40.27 Assignment of Vendor Payments
-40.28 Record Requirements for Medical Providers
-40.29 Audits
-40.30 Emergency Services Audits
-40.31 Prohibition on Participation, and Special Permission for Participation
-40.32 Publication of List of Terminated, Suspended or Barred Entities
-40.33 False Reporting and Other Fraudulent Activities
-40.34 Prior Approval for Medical Services or Items
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140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
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 140.503 Cessation of Payment Because of Termination of Facility
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 140.505 Provider Voluntary Withdrawal
 140.506 Continuation of Provider Agreement
 140.507 Determination of Need for Group Care
 140.508 Long Term Care Services Covered by Department Payment
 140.509 Utilization Controls
 140.510 Utilization Review Plan (Repealed)
 140.511 Certifications and Recertifications of Care
 140.512 Management of Recipient Funds--Personal Allowance Funds
 140.513 Recipient Management of Funds
 140.514 Correspondent Management of Funds
 140.515 Facility Management of Funds
 140.516 Use or Accumulation of Funds
 140.517 Management of Recipient Funds--Local Office Responsibility
 140.518 Room and Board Accounts
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 140.521 Cessation of Payment Due to Loss of License
 140.522 Quality Incentive Program (QUIP) Payment Levels
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 140.539 Nurse's Aide Training and Testing
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 140.541 Salaries Paid to Owners or Related Parties
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 140.543 Time Standards for Filing Cost Reports
 140.544 Access to Cost Reports (Repealed)
 140.545 Penalty for Failure to File Cost Reports
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 140.555 Minimum Wage
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 140.567 Level II Incentive Payments (Repealed)
 140.568 Duration of Incentive Payments (Repealed)
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 140.571 Capital Rate Calculation
 140.572 Total Capital Rate
 140.573 Other Capital Provisions
 140.574 Capital Rates for Rented Facilities
 140.575 Newly Constructed Facilities (Repealed)
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 140.577 Capital Costs for Rented Facilities (Renumbered)
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140.583	Campus Facilities
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140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
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140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
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140.835	Determination of Cap on Payments for Long Term Care (Repealed)

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140.855	Definition of Terms
140.860	Covered Services
140.865	Sponsor Qualifications
140.870	Sponsor Responsibilities
140.875	Department Responsibilities
140.880	Provider Qualifications
140.885	Provider Responsibilities
140.890	Payment Methodology
140.895	Contract Monitoring
140.896	Reimbursement for Program Costs (Active Treatment) For Clients In Long Term Care Facilities For The Developmentally Disabled (Recodified)

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140.903	Definitions (Recodified)
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140.924	Provider Participation Requirements
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140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
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140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
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TABLE A	Medicheck Recommended Screening Procedures (Repealed)
TABLE B	Health Service Areas

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Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.996 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.998 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 5, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 2, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7219, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 5, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September

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2, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 19057, effective October 22, 1990; amended at 14 Ill. Reg. 1959, effective October 30, 1990; amended at 14 Ill. Reg. 18913, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 2, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 13, 1991; amended at 15 Ill. Reg. 6531, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 171, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 5408, effective March 10, 1992; amended at 16 Ill. Reg. 5849, effective April 7, 1992; amended at 16 Ill. Reg. 6017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 3, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 10, 1992; amended at 16 Ill. Reg. 17302, effective November 17, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 15 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 1290, effective February 15, 1993; amended at 17 Ill. Reg. 1951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a

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maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7319, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. _____, effective _____.

SUBPART E: GROUP CARE

Section 140.535 Costs for Interest, Taxes and Rent

- a) Allowable costs for interest expenses
 - 1) Interest -- Reasonable and necessary interest on both current and capital indebtedness is an allowable cost provided that the indebtedness is related to patient care. No interest cost shall be recognized to the extent it exceeds payment used on 125 percent of the prevailing mortgage rate at the time of the loan. Interest paid on loans from the providers' donor-restricted funds or qualified pension fund is allowable. Interest income from unrestricted funds must be used to offset allowable interest expense. Interest incurred during construction must be capitalized and amortized over the life of the asset. Interest penalties are not allowable costs. Interest on loans to purchase capital stock are not allowable costs.
 - 2) Effective for the rate year beginning July 1, 1984, for sales occurring January 1, 1978, and after, where the increased capital cost is deemed unreasonable, and adjustment to interest expense is made, the principal on which interest is computed must be reduced by the excess of the purchase price over the calculated reasonable capital expense.
- c) Rent -- Reasonable amounts expended for the rental of care related assets are allowable insofar as they represent arms length

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transactions between the owners of the property and the party claiming the expense. Subleases are not an allowable expense. (Capital cost of related organizations are not an allowable expense. Real estate and personal property taxes included in rental amounts should be claimed as a tax expense.)

- c) Taxes -- Real estate and personal property taxes on care related assets are allowable capital costs. Special assessments on land which represent capital improvements such as sewers, water, and pavements must be capitalized and depreciated over their estimated useful lives. Fines and penalties associated with property taxes are not an allowable cost. The personal property replacement tax is not allowable.

1) A facility which is organized as a not-for-profit entity must attach a copy of a denial of an application for exemption from real estate taxes, to the cost report filed with the Department. This exemption denial should be no more than four years old at the time the cost report is filed. A not-for-profit entity which leases the building from a for-profit entity does not have to attach a denial report.

- 2) Starting with cost reporting periods ending in 1994, if the long term care facility chooses to appeal an increase in real estate tax, the direct cost of that appeal may be reported as a real estate tax cost instead of a professional fee cost. An example of this cost would be a fee paid to a lawyer to prepare the appeal. Indirect costs such as overhead costs cannot be reported as a real estate tax appeal cost. Only fees paid to lawyers or organizations which specialize in real estate tax appeals may be considered to be a direct appeal cost. Services provided by related entities as defined in Section 140.537 may not be classified as a real estate tax cost. Professional fees may not be reported as a real estate tax cost if no appeal is filed. A copy of the invoice which provides details of services provided must be submitted with the cost report. A copy of the decision from the real estate tax appeal board must also be submitted with the cost report for the year in which the decision was received.

Source: Amended at 19 Ill. Reg. _____, effective _____.

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hospital Licensing Requirements2) Code Citation: 77 Ill. Adm. Code 2503) Section Numbers: Proposed Action:

250.1090 Amendments
 250.1100 Amendments
 250.1820 Amendments
 250.1830 Amendments

4) Statutory Authority: Hospital Licensing Act (210 ILCS 85)

5) A Complete Description of the Subjects and Issues Involved: "The rules in Part 250 govern the licensure of hospitals in Illinois. These proposed amendments were approved by the Hospital Licensing Board at its meeting on May 10, 1995.

Section 250.1090 (Sterilization and Processing of Supplies) contains changes in requirements governing policies and procedures for decontamination and sterilization activities. A new provision requires lead control numbers to be used to designate the hospital sterilization equipment used for each item, including the sterilization date and cycle. Requirements for designation of event-related shelf life are included. A facility may choose to use both a specific expiration date and event-related shelf life designation specific for certain wrappings, areas of the hospital, etc., as long as the policies and procedures, as approved by the Infection Control Committee, and training of staff define this practice.

Section 250.1100 (Infection Control) is amended to update infection control practices and to correct formatting problems.

Section 250.1820 (Maternity and Neonatal Service Regulations (Perinatal Service)) is amended to delete wording requirements and to require the hospital's Infection Control Committee to establish a dress code for full- and part-time employees and visitors in compliance with the "Guidelines for Perinatal Care."

Section 250.1830 (General Requirements for all Maternity Departments) includes deletion of references to the Department's approval of maternity service plans. Requirements containing the word "should" are changed to "shall." Requirements for circumcision of infants are clarified. References to incorporated materials are updated. Epidemic and communicable disease reporting requirements are updated to reference the Control of Communicable Diseases Code. Protocols for management and reporting of infections must be approved by the Infection Control Committee. In accordance with Public Act 88-689 (effective January 1,

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1996), hospitals are required to demonstrate that they have adopted procedures designed to reduce the likelihood that an infant patient will be abducted from the hospital, and procedures designed to aid in identifying abducted infants who are recovered.

The economic effect of this rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the Notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? Yes

9) Are there any other Proposed Amendments Pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
250.160	Amendments	19 Ill. Reg. 2673
250.265	New Section	19 Ill. Reg. 2673
250.310	Amendments	19 Ill. Reg. 2673
250.330	Amendments	19 Ill. Reg. 2673
250.1270	Amendments	19 Ill. Reg. 2673
250.1410	Amendments	19 Ill. Reg. 2673
250.2420	Amendments	19 Ill. Reg. 2673
250.2450	Amendments	19 Ill. Reg. 2673
250.2460	Amendments	19 Ill. Reg. 2673
250.2470	Amendments	19 Ill. Reg. 2673
250.2480	Amendments	19 Ill. Reg. 2673
250.2490	Amendments	19 Ill. Reg. 2673
250.2500	Amendments	19 Ill. Reg. 2673
250.2620	Amendments	19 Ill. Reg. 2673
250.2660	Amendments	19 Ill. Reg. 2673

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register by writing to:

Ms. Gail M. DeVito

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Division of Governmental Affairs
 Illinois Department of Public Health
 535 West Jefferson, Fifth Floor
 Springfield, IL 62761
 217/782-6187

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. Devito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

(2) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Hospitals

3) Reporting, Bookkeeping or Other Procedures Required for Compliance:
 None

C) Types of Professional Skills Necessary for Compliance: Physician, Registered Nurse, other licensed health care professionals in accordance with the requirements of the Hospital Licensing Act.

5) Regulatory Agenda on which this rulemaking was summarized: January 1995

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

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 Application for and Issuance of a License to Operate a Hospital
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 Definitions
 Incorporated and Referenced Materials

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SUBPART F: RADIOLOGICAL SERVICES

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SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

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SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

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SUBPART K: ANESTHESIA SERVICES

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SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

250.1640 Diet Orders
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250.1830 General Requirements for all Maternity Departments
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250.1940 Ventilation, Heating, Air Conditioning, and Air Changing Systems
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SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

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250.2810

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ILLUSTRATION A Seismic Zone Map

APPENDIX A Codes and Standards (Repealed)

EXHIBIT A

Codes (Repealed)

EXHIBIT B

Standards (Repealed)

EXHIBIT C

Addresses of Sources (Repealed)

TABLE A

Measurements Essential for Level I, II, III Hospitals

TABLE B

Sound Transmission Limitations in General Hospitals

TABLE C

Filter Efficacies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)

TABLE D

General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)

TABLE E

Piping Locations for Oxygen, Vacuum and Medical Compressed Air

TABLE F

General Pressure Relationships and Ventilation of Certain Hospital Areas

TABLE G

Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 142 et seq.) [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22,

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p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1981; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7335 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 1, 1983 and April 5, 1983; amended at 7 Ill. Reg. 5764, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 9 Ill. Reg. 13752; amended at 8 Ill. Reg. 2418, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16750, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11345, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. , effective , effective

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section 250.1090 Sterilization and Processing of Supplies

a+

1) All sterilization and processing of all sterile supplies and equipment shall be under competent, qualified supervision.

2) The director or person responsible for central services shall be responsible to the chief executive officer either directly or through a designated department head. This person shall be qualified for the position by education, training, and experience and should be a member of the Infection Control Committee.

3) The number of supervisory and support personnel shall be related to the scope of the services provided. New employees shall receive initial orientation and on-the-job training, and all employees shall participate in a continuing in-service education program, which shall be documented.

4) Educational efforts, though directed primarily at sterile-supply processing and handling techniques, shall also include management concepts, safety, personal hygiene, health requirements, and work attire.

5) There shall be written policies and procedures for the decontamination and sterilization activities performed in central services and elsewhere in the hospital. These policies and procedures shall relate, but are not limited, to the following:

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- 1)A The receiving, decontaminating, cleaning, preparing, disinfecting and sterilizing of reusable items.
- 2)B The assembly, wrapping, storage, distribution, and quality control of sterile equipment and medical supplies. Load control number shall be used to designate the hospital sterilization equipment used for each item, including the sterilization date and cycle.

3)E The use of sterilization process monitors, including temperature and pressure recordings, and the use and frequency of appropriate chemical indicator and bacteriological spore tests for all sterilizers.

- 4)B Designation of the shelf life for each hospital-wrapped and sterilized medical item and, to the maximum degree possible, for each commercially prepared item by a specific expiration date that sets a limit on the number of days an item will be considered safe for use. Load control numbers shall be used to designate the hospital sterilization equipment used for each item, including the sterilization date and cycle.

A) Designation of a shelf life may be a specific expiration date, i.e., 30 days, 6 months, etc., based on manufacturer's recommendation, a nationally recognized authority, or other standard approved by the facility's infection control committee.

- 3) Designation of shelf life may be event related if policies and procedures, approved by the Infection Control Committee, address at least the following:

- i) requirements for wrapping, storage and rotation of sterile supplies;
- ii) definition of an event that may cause a sterile item to be or be suspected of being compromised, such as the package being wet or torn, or the seal being broken or tampered with;
- iii) clear direction that final inspection of the package and the ultimate decision to use the contents of the package rest with the clinician; and
- iv) orientation, inservice and other follow-up to assure that all necessary staff understand and implement the policies and procedures.

2) A facility may choose to use both a specific expiration date and event-related shelf life designation specific for certain wrappings, areas of the hospital, etc., as long as the policies and procedures, as approved by the Infection Control Committee, and training of staff define this practice.

- 3)B Acquisition of supplies after normal working hours or any time the central service or sterile supply unit is considered "closed" or unstaffed.

3)F Preventive maintenance of all central supply service equipment,

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including performance verification records and reports.

1)E The recall and disposal or reprocessing of outdated sterile supplies.

3)H The emergency collection and disposition of supplies when special warnings have been issued by the manufacturer. There shall be appropriate notification of the attending physician where patient exposure is known.

2)F Specific aeration requirements for each category of gas-sterilized items to eliminate the hazard of toxic residues.

1)D The cleaning and sanitizing of work surfaces, floors, utensils, and equipment used in central service functions.

2)B Space shall be provided for the efficient operation of all central service functions. Functional design and work flow patterns should provide for the separation of soiled and contaminated supplies from those that are clean and sterile. Equipment of adequate design, size, and type should be provided for the effective decontaminating, disinfecting, cleaning, packaging, sterilizing, storing, and distributing of medical instruments, supplies, and equipment used in patient care.

1)E Equipment and procedures

1) the facilities, equipment, and procedures for clean-up, preparation, and sterilization shall be adequate to allow proper cleaning, processing, and sterilizing of patient care supplies and equipment.

2) When clean-up, preparation, and sterilization functions are carried out in the same room or unit (as in a central sterilizing department) the physical facilities and equipment and the policies and procedures for their use shall be such as to effectively separate soiled or contaminated supplies and equipment from the clean or sterilized supplies and equipment.

3) Sterilization equipment shall be maintained in good repair and under the provisions of a preventive maintenance program of the Engineering and Maintenance Services. (Refer to Subpart 2.)

4) All pressure steam autoclaves shall have recording thermometers and the sterilization certificate shall be otherwise checked.

2)F Sterilization of instruments and utensils

1) All surgical instruments not adversely affected by high temperature shall be sterilized by pressure steam sterilization. Whenever possible, throughout the hospital, sterilization shall be accomplished by pressure steam sterilization. For ~~the same~~ ~~instances~~ ~~not~~ air sterilization or gas sterilization may be used. When gas sterilization is used, there shall be policies and tested procedures for proper aeration to permit safe utilization. Pressure steam sterilization of reusable syringes and needles is required.

2) All instruments, whether used on infected cases or clean cases, shall be cleaned before sterilization. Instruments used on infected cases shall be disinfected before transport to Central

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Supply.

1) Boiling is not an approved method of sterilization.

2) When non-commercial sterile water is utilized, water sterilization equipment shall be maintained and operated in a manner which will protect the sterilized water from contamination. Sterile water drawn from the reservoir or flask shall be immediately safeguarded.

3) An acceptable method for checking the sterility of the water shall be utilized. Water may be sterilized either in approved water sterilizers or autoclaved in approved flasks.

4) Sterilization and storage of supplies and equipment shall be properly wrapped and labeled before sterilization.

5) The effectiveness of hospital sterilization shall be checked. This should include at least monthly bacteriological testing of all sterilization units throughout the hospital in accordance with Infection Control Committee procedures.ethylene oxide sterilization should include bacteriological tests with each load.

6) Indicators shall be used to show that a wrapped package has been sterilized. A procedure shall be established for the recall of expired or inadequately sterilized goods for both in-house and commercially sterilized supplies and equipment. Refer to Section 250.1100(a)(5).

7) Supplies and equipment commercially prepared so as to retain sterility indefinitely are acceptable. The hospital should satisfy itself of the sterility of such materials.

8) Sterile equipment and supplies shall be stored properly in clean cabinets, cupboards or other suitable enclosed spaces. An orderly system of rotation of supplies is recommended so that supplies stored first will be used first.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 250.1100 Infection Control

a7

1) There shall be a multidisciplinary Infection Control Committee composed of at least of members of the medical staff, nursing staff, the supervisor of Central Sterile Supply and administration, charged with the responsibility of investigations and recommendations for the prevention and control of infections within the hospital.

2) Policies and procedures for the reporting and care of cases of communicable diseases shall be in accordance with 77 Ill. Adm. Code 690, the Control of Communicable Diseases Code as published by the Department.

3) When patients having a communicable disease or presenting signs and

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symptoms suggestive of such diagnosis are admitted, proper precautionary measures shall be taken to avoid cross-infection to personnel, other patients, or the public.

4) The hospital shall provide facilities and equipment for the isolation of known or suspected cases of infectious disease.

5) Policies and procedures for the handling of infectious cases shall include orders to the medical, nursing, and non-professional staff providing for proper isolation technique. Suggested isolation techniques for use in hospitals, published by the State Health Service of the Department of Health, Education and Welfare.

6) All persons who care for patients with or suspected of having a communicable disease or whose work brings them in contact with materials that which are potential conveyors of communicable disease shall take appropriate safeguards to avoid transmission of the disease agent.

7) The handling and disposal of contaminated material shall be in a manner designed to prevent the transmission of the infectious agent. Thorough handscrubbing shall be required after handling any contaminated or infected material.

8) Whenever a patient is under the Control of Communicable Diseases Code requires as published by the Department, the submission of laboratory specimens for the release of a patient from isolation or quarantine and the hospital laboratory is not approved by the Department for the performance of the specific tests, then the specimens shall be submitted to the laboratories of the Illinois Department of Public Health or other laboratory licensed by the Department for the specific tests required.

9) The hospital shall establish a systematic plan of checking and recording cases of infection, known or suspected, which develop in the institution; such cases shall be reported to the infection committee and hospital administration. The committee shall be empowered and directed to investigate nosocomial infections to determine the causative organism and its possible sources. The findings and recommendations of the infection committee shall be reported to the medical staff and/or administration for corrective action.

10) Epidemiologic data obtained from the hospital and its immediate vicinity shall be reported and handled as provided in Subpart B.

11) There shall be policies and procedures related to the above and to the following items but not limited thereto:

- 1) The admission and isolation of patients with specific and/or suspected infectious diseases, and protective isolation of appropriate patients.
- 2) In-service education programs on the control of infectious diseases.
- 3) Policies and procedures for isolation techniques appropriate to the working diagnosis of the patient, and protective routines for personnel and visitors.

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- 4) ~~Written procedures for the bacteriological testing of areas of possible infection. Results of all testing shall be recorded and reported to the Infection Control Committee. Routine culturing of environment and personnel is not recommended.~~
- 4) 5) The recording and reporting of all infections of clean surgical cases to the Infection Control Committee, and procedures for the investigation of such cases.

Source: Amended at 19 ill. Reg. _____, effective _____

SUBPART C: MATERNITY AND NEONATAL SERVICE

Section 250.1820 Maternity and Neonatal Service Regulations (Perinatal Service)

- a) Chief of Obstetric and Pediatric Services
- 1) Each hospital should have an organized obstetric staff with a chief of obstetric service who is either certified or qualified in obstetrics or a physician who is interested in and regularly practicing obstetrics as chief of the maternity service, and document a source for obstetric consultation available on a twenty-four hour basis. The chief's chief's level of qualification and expertise are to be appropriate to level of care rendered in the facility.
- 2) The chief's ~~His~~ responsibilities shall include:
- 1) the general supervision of the care of maternity patients;
- 2) the establishment of criteria for admissions;
- 3) the adherence to licensing requirements;
- 4) the adoption by the medical staff of standards of practice and privileges;
- 5) the identification of clinical conditions and procedures requiring consultation;
- 6) the arrangement of conferences held at regular intervals quarterly is suggested as a minimum interval) to review operations, complications, and mortality;
- 7) assurance that the clinical records, consultations and reports are properly completed and analyzed;
- 8) the provision for exchange of information between medical, administrative and nursing staffs.
- 3) Each hospital should have an organized pediatric staff with a chief of service who is either certified or qualified in pediatrics or a physician who is interested in and regularly practicing neonatology as chief of the neonatology service and a source for neonatology consultation available on a 24-hour basis. This physician's ~~His~~ responsibilities shall include subsections a)(2)(A) through (H) of this Section, for the care of newborn infants.

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- c) Provision of Care
- 1) All hospitals described or considered as general hospitals by the Illinois Department of Public Health shall provide for the admission, medical care, transfer or discharge of the obstetric and neonatal patients.
- 2) No hospital shall fail to provide such care without the expressed written consent of the Director of the Illinois Department of Public Health.
- 3) Each licensed hospital providing maternity and perinatal services shall comply with the perinatal care standards promulgated by the Department (Regionalized Perinatal Care, 77 Ill. Adm. Code 640).
- c) Location
- 1) Maternity and neonatal services shall be located and arranged to provide maximum protection for mothers and neonatal patients from infection and cross-infection from patients in other services of the hospital.
- 2) Hospital ~~it is required that~~ maternity and neonatal facilities shall be located in the hospital so as to prevent through traffic to any other part of the hospital.
- 3) Adequacy of Services
- 1) The hospital shall have well-organized maternity and neonatal services adequately supervised by qualified personnel with the necessary space, facilities, equipment and personnel to perform or make available maternity and neonatal services commensurate with the needs of the population in the hospital service area.
- 2) Total live births generated by the hospital service area will determine the size of the postpartum nursing unit (number of rooms and beds), which in turn will be related to space allotments for delivery rooms, nurseries and other facilities. The size of the unit will affect medical and nursing care plans for the maternity and neonatal service.
- a) Maternity and Neonatal Service Plan
- 1) Hospitals providing maternity and neonatal services must develop a plan for the management of the obstetric and neonatal patients that meets the requirements of this Subpart. The plan must be developed by the nursing department and medical staff and must be approved by the governing authority of the hospital.
- 2) The hospital's written Maternity and Neonatal Service Plan shall be known to medical staff and nursing personnel and more specifically to maternity and nursery personnel. A copy of the plan shall be available in each maternity and nursery unit and in every relevant hospital service area; the plan must be reviewed at least biannually and revised as indicated by the review.
- 5) ~~Reference--"Standards and Recommendations for Hospital Care for Newborn--Infant--American Academy of Pediatrics--Standards for Obstetric--Gynecologic Hospital--Service--American College of Obstetricians and Gynecologists"~~
- 5) Levels of Care

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1) Maternity and neonatal patients should be identified according to the level of specialized care required.

A) Level I or Primary Perinatal Care means the minimal level of care provided to the healthy, normal or low risk patient ~~may be considered to require a minimal level of care.~~

B) Level II or intermediate perinatal care means the level of care provided to a mother, fetus or newborn infant that ~~which~~ is less than tertiary or the greatest degree of intensive care but that ~~which~~ is a greater degree of intensity than normal or general care ~~as is defined below.~~

C) Level III or intensive perinatal care means the level of care providing close medical and surgical coordination, multidisciplinary consultation and supervision provided to those patients with medical and surgical problems that ~~which~~ require highly specialized treatment and highly trained personnel ~~as defined below.~~

2) Service Management Plan

A) A service management plan must be provided for the primary, intermediate and intensive levels of care for all patients. The plan must provide for consultation services and establish the availability of such services to stimulate early diagnosis of maternal, fetal and neonatal problems. Services unable to provide all three levels of care of patients must maintain plans for the safe transfer of certain categories of patients to hospitals with more specialized facilities, services and personnel.

B) When the condition permits, a patient may be transferred from the tertiary care facility to an intermediate care facility that ~~which~~ is nearest the family residence or another facility ~~that~~ ~~which~~ can provide the appropriate level of care. A neonatal patient should be transferred to a nursery nearest the family's home that ~~which~~ is able to provide an appropriate level of care.

3) Infection Control

A) Policies, procedures, isolation techniques, and facilities used must be well known to all personnel performing services in the maternity and newborn service areas. A copy of the procedures must be placed in each maternity and nursery unit and in relevant hospital service areas.

B) There must be a continuing program of instruction for all personnel on the mode of spread of infection.

C) The policies and procedures relative to the criteria for isolation and aseptic techniques must be enforced.

D) ~~Reference--"Standards and Recommendations for Hospital Care for Newborn Infants of the American Academy of Pediatrics"~~
~~"Standards for Obstetric-Gynecologic Services--of the American College of Obstetricians and Gynecologists"~~

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~~Control of Communicable Diseases--Code--of the--State--Department--of--Public--Health--"Isolation--Techniques--for--the--Hospitality--Center--for--Disease--Control"--SPHS7--Department--of--Health--and--Human--Services~~

2) Infection Control Requirements:

A) Professional and ancillary maternity and nursery personnel who have contact with patients shall be free of transmissible disease.

B) Health assessment of personnel

1) ~~Health Annual--Health~~ assessment of nursery personnel shall be performed at a frequency determined by the Infection Control Committee and shall include screening for tuberculosis in accordance with Section 390.720 of the ~~Department's rules--entitled--"Control of Communicable Diseases Code"~~ (77 Ill. Adm. Code 693).

2) Evidence ~~it is recommended that evidence of prior~~ rubella infection or rubella vaccination shall be required of nursery personnel.

C) Except that hair must be properly covered or controlled, caps, beard bags, and masks are not needed for routine nursery activities. Caps, beard bags and masks are required in the delivery room, and for surgical procedures including umbilical vessel canneterization. ~~Special--gown--goggles--face--coverings--should--be--worn--in--the--delivery--room--if--inanimate--objects--are--used--conductive--shoes--or--shoe--coverings--are--required~~

D) Handwashing to the elbows with an antiseptic agent by a procedure developed and posted by the Infection Control Committee is required before entering the nursery, and between patients.

E) All rings, watches and bracelets shall be removed before handwashing and entering the nursery.

F) ~~Visiting--personnel--in--the--nursery--shall--wear--gowns--to--cover--clothing--access--all--infants--are--kept--in--corridor--at--all--times--at--all--times~~

G) ~~Physician--nursing--personnel--and--others--who--perform--tests--within--day--in--a--maternity--rooming--in--unit--at--the--nursery--unit--should--wear--short--sleeved--scrub--clothes--at--all--times--when--leaving--the--unit--a--long--sleeved--gown--should--be--worn--over--the--scrub--dress--or--suit--and--discarded--upon--returning--to--the--unit~~

H) The Facility's Infection Control Committee shall establish a dress code for full and part-time employees and visitors in compliance with the "Guidelines for Perinatal Care."

I) ~~In the normal care nursery, infants with suspected infections are moved to a transition nursery for observation.~~

J) ~~Individual isolation technique is applied to the infected~~

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or potentially infected maternity or newborn infant. A closed isolette does not constitute isolation, nor is it a part of isolation technique.

1)† Movement of an infected newborn to a separate isolation room is not necessary if there is adequate nursing and medical staff for unhurried movement between patients and adequate time for thorough handwashing between patients and gowning, sufficient space (four to six feet) for easy movement between patients and to remove temptation to move from one patient to another without handwashing, a continuing program of instruction for all nursery personnel in the mode of spread of infections, and if there are two sinks for each nursery room. If these conditions are not met, an isolation room with separate scrub facilities is necessary for the infected patient. See Section 250.2440(h) for additional requirements.

2)† Infants contaminated at birth, i.e., infants born outside the hospital or under conditions not aseptic, or of mothers with membranes ruptured 24 hours or more, or born of mothers suspected of harboring infectious disease shall be cared for in an observation or transition room, or in the primary care area with careful attention to proper aseptic technique of attending personnel and to conditions described in subsection (3)(2)(J) of this Section.

3)† The physician in charge and the nursing supervisor with the Infection Control Committee should establish a program of disinfection for patient areas. Clear descriptions of cleaning and disinfection methods should be incorporated into the patient care procedures manual. Incubators and bassinets are to be disinfected upon an infant's discharge, and other nursery and delivery equipment cleaned and sterilized by specific procedures consistent with recommendations of the American Academy of Pediatrics, American College of Obstetrics and Gynecology and outlined in the unit's procedures manual. Spot checking or random cultures of delivery room and nursery may help determine effectiveness of procedures.

4)† References to standards and recommendations for hospital care for newborn infants in American Academy of Pediatrics Standards for Hospital Care for Newborn Infants, American Academy of Pediatrics Committee on Perinatal Care, and American Academy of Pediatrics Committee on Neonatal Care, and references to the Department of Health and Human Services, Center for Disease Control, SPHS, Department of Health and Human Services.

1) Combined Facilities
 a) Obstetric and clean gynecologic service facilities may be combined in accordance with a plan that complies with the

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requirements of this Subpart. The combined service program, its functional operations and detailed rules and regulations must be approved by the Hospital Maternity and Newborn Service, Medical Staff and Governing Authority.

2) In combined programs, Cesarean section and obstetrically related surgery other than vaginal delivery may be carried out in a designated and approved operating or delivery room. In combined programs, vaginal deliveries may be carried out only in designated and approved delivery rooms or designated and approved operating rooms used solely for obstetric and/or clean gynecologic procedures.

3) Gynecologic service and maternity service may be provided for in a combined Maternity and Gynecologic Service, or clean gynecologic cases may be admitted to the postpartum nursing unit of a maternity service in accordance with the hospital's Maternity Service Plan.

4) Only members of the medical staff with appropriate privileges may admit and care for patients in such combined service areas. Such admissions must be strictly controlled and be subject to the final authority delineated in the medical staff bylaws and approved by the hospital governing authority. There shall be close surveillance of the services by the hospital's infection committee.

5) Patients admitted to combined service facilities of hospitals with approved programs shall be limited to:

A) Obstetric patients admitted for delivery.
 B) Clean obstetric complications (regardless of month of gestation). Refer to Section 250.1830(g)(2).

C) Other noninfected complications of pregnancy.

D) Selected clean gynecologic patients.

6) Patients not eligible for admission include those:

A) with an active, acute or chronic infectious condition;

B) patients housed on other services of the hospital;

C) requiring radium or radiation isotope therapy, excluding external radiation therapy.

7) There shall, on a daily basis, be unoccupied reserve beds in the combined facilities in readiness for use by obstetric patients. This unoccupied reserve shall be not less than 10% of the average daily census for obstetric patients.

8) Patients admitted to the combined services may be taken to x-ray or other hospital facilities for diagnostic procedures, before or after surgery, so long as there is no evidence that such procedures may be hazardous to the patient or to other patients on the combined service.

9) Patients may receive postpartum or immediate postoperative care in the general recovery room prior to being returned to the combined service floor if the following conditions prevail: (refer Refer to Section 250.1320(a)).

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- 1) The recovery room or intensive care unit is a separate unit adjacent to or part of the general surgical operating suite and/or delivery suite.
- 3) The recovery room or intensive care unit contains no patients with known or suspected infectious or communicable disease or other adverse conditions.
- 2) The recovery room is under the direct supervision of the chairman of anesthesiology of the hospital. In separate maternity recovery rooms such supervision is provided by the obstetrician in charge or a qualified designated physician.
- 10) Nursing care of all patients shall be supervised by a registered professional nurse qualified to provide such supervision.
- 11) Nursing care of all patients may be given by the same personnel except when rooming-in of infants is practiced in the maternity area.
- 12) Visiting regulations for obstetric patients shall apply to all patients admitted to the combined facilities. Refer to Section 250.1820(k).

1) Activity Records

- 1) The hospital shall establish and keep the necessary daily records, including a Patient Log and the Maternity Services Daily Census Report, from which required reports can be prepared.
- 2) The Patient Log shall contain, as a minimum, the following data on each patient admitted to the department other than maternity patients:

- 1) Name of patient or hospital patient number

2) Age

3) Attending physician's name

4) Date of admission

5) Admitting diagnosis

6) Operative procedure

7) Discharge diagnosis

8) Date of discharge

9) Days stay

10) Transferred off floor

yes Date; No

11) Reason for transfer

- 3) A Maternity Service Daily Census Report shall be kept, which for each day of the month gives the patient census (at the census taking hour) of

- 1) obstetric patients, including patients with clean obstetric complications,

2) gynecologic patients,

3) empty beds in the department, and

4) total patients.

- 4) The hospital shall submit required reports including a supplement to its monthly Perinatal Activities Report to the Department. The report form shall be provided by the Department. Refer to

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Section 250.1830(i)(1).

(Source: Amended at 19 Ill. Reg. effective

Section 250.1830 General Requirements for all Maternity Departments

- a) ~~Heating-of-nurserys-and-delivery-suits--the temperature and humidity in the nurseries and in the delivery suite shall be maintained at a level best suited for the protection of mother and baby as determined by the responsible people in the department and as recommended by the American Academy of Pediatrics and ACOG. Chilling of the neonate must be avoided; the neonate must be immediately placed in an approved radiant heat source plugged-in and ready to receive the infant and that which allows access for resuscitation efforts. Personnel trained to use the equipment to maintain a neutral thermal environment for the neonate shall be available. For general temperature and humidity requirements see Section 250.1480(d)(1). In general, a temperature between 72 degrees and 76 degrees and relative humidity between 55% and 60% are acceptable.~~

c) Linens and Laundry

- 1) It is recommended that all washable bedding, including blankets, and garments used for newborn infants be autoclaved before use when there is not positive assurance that all items have been satisfactorily washed, are clean, and are safe for use.

- 2) Diapers and other soiled nursery linen shall be washed separately from each other and from other hospital linen. Clothes from nursery to laundry shall be used only if a system of negative pressure vacuum is in effect.

- 3) Linens used in observation and special care nurseries shall be autoclaved.

- 4) Soiled linen shall be placed in hampers easy to clean and disinfect, and removed from the area every eight hours in sealed bags.

- 5) No new unlaundered garments shall be used in the nursery.

- c) Sterilizing equipment, as required in Section 250.1090(d)(3)(iii), shall be available. This may be provided in the maternity department or in a central sterilizing unit provided that flash sterilizing equipment or adequate sterile supplies and instruments are provided in the maternity department.

d) Accommodations and facilities for mothers

- 1) The hospital shall identify specific rooms and beds, adjacent when possible to other maternity facilities, as maternity rooms and beds. These rooms and beds shall be used exclusively for maternity patients or for combined maternity and gynecological service beds as provided in a plan specifically approved by the Department in accordance with Section 250.1820(h).

- 2) Use of adjacent patient rooms and beds--Whenever feasible,

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adjacent patient rooms and beds may be used as "swing beds" to be made a part of another nursing unit. Adjacent rooms and beds may be used for clean cases. A corridor partition with doors is recommended to provide a separation between the maternity beds and maternity facilities and the nonmaternity rooms. The doors shall be kept closed except when in active use as a passageway.

3) ~~Isolation--Facilities~~ Facilities shall be available for the immediate isolation of all patients in whom an infectious condition is thought to exist or other conditions inimical to the safety of other maternity and neonatal patients.

4) ~~Labor beds~~ It is preferred that labor rooms be private or two-bed rooms. Labor rooms shall be conveniently located with reference to the delivery rooms and shall have facilities for examination and preparation of patients.

5) ~~Delivery room~~

5)A Delivery rooms shall be equipped and staffed to provide emergency resuscitation for infants. Equipment shall include an infant size positive pressure bag with capability of 10% O₂ delivery. Bag and mask with attachment for oxygen, laryngoscope with zero and one sized blades, endotracheal tubes sizes 10, 12, 14 French or equivalent, oral airways and an appropriate device to provide a source of continuous suction for aspiration of the pharynx and stomach. An umbilical vessel canneterization tray should be available. Only personnel qualified and trained to do so should use this equipment.

5)B If only one delivery room is required, one labor room shall be arranged as an emergency delivery room and shall have a minimum clear floor area of 180 square feet.

6) Recovery--A recovery room is recommended. The patient shall be kept under close observation until her condition is stabilized following delivery. Observations at established time intervals shall be recorded as a part of the patient's chart. A recovery area shall be provided. Emergency equipment and supplies must be available for use in the recovery area. Continuing education for personnel providing recovery room care should be provided. Refer to Section 150.14(C)(4).

6) Accommodations and facilities for infants

a) Primary Care Nurseries

A) A clean nursery or nurseries shall be provided, preferably near the mothers' rooms with adequate lighting and ventilation. There shall be a minimum of 10 square feet of floor area for each bassinets and three feet between bassinets. Equipment must be provided to prevent direct draft on the infants. Because one nursing staff person is required for every six to eight normal infants, individual nursery rooms should have a capacity of six to eight or 12 to 16. The normal newborn infant care area in a smaller hospital should limit room size to eight, so that two or

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more rooms are available to permit cohorting in presence of infection.

3) Bassinets equipped to provide for the medical examination of the newborn infant and for the storage of necessary supplies and equipment shall be provided in a number to exceed obstetric beds by 20% at least to accommodate multiple births, extended stay, and fluctuating patient loads. Bassinets are to be separated by a minimum of three feet measuring from the edge of one bassinet to the edge of the adjacent one.

C) A glass observation window shall be provided through which babies may be viewed.

D) Resuscitation equipment as described for the delivery suite and below, and personnel trained to use it, shall be available in the nursery at all times.

E) Each primary care nursery shall have immediately on hand equipment necessary to stabilize the sick infant prior to transfer. Such equipment shall consist of:

a) A heat source capable of maintaining the core temperature of even the smallest infant at 98 degrees an incubator, or preferably a radiant heat source.

ii) Equipment with the ability to monitor blood sugar frequently. (Dextrostix)

iii) A resuscitation tray containing at least a laryngoscope, endotracheal tubes of various neonatal sizes, infant size positive pressure bag and appropriate sized masks, gavage tubes, and an umbilical vessel canneterization tray.

iv) Equipment for delivery of 100% oxygen concentration, and the ability to measure delivered oxygen in fractional inspired concentrations (F_I O₂). The oxygen analyzer shall be calibrated and serviced at least monthly by the hospital's respiratory therapy department or other responsible personnel trained to perform the task.

F) Consultation and Referral Protocols

1)A Each primary care nursery shall have a clearly designated Level II and/or Level III nursery to which it refers patients and from which it seeks consultation and advice. The telephone number of the Level III nursery shall be posted in the name of the nursery director shall be posted in the nursery. A log of communication between the general nursery and the referral nursery shall be maintained by the head nurse of the general nursery.

2) Consultation and Referral Protocols

1)A Protocols for management of certain disease states,

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and for consultation and referral shall be developed by the nursery director in conjunction with the director of the ~~Level III or Level II~~ Level II or Level III unit to which referrals are sent.

~~111111~~ These protocols shall spell out details for local management of disease states and specific transfer criteria. These protocols shall be maintained in the nursery.

- 2) Intermediate and Intensive Care Nurseries shall meet all ~~Area~~ all of the conditions described above ~~shall be in place~~ except that infant cribs shall be separated by four to six feet of space to allow for ease of movement of additional personnel, and to allow space for additional equipment used in care of infants in these areas. There should be 80 to 100 square feet of space for each infant cared for in the Level III or Intensive Care area.

3) ~~Isolation facilities~~

11A Facilities shall be available for the immediate isolation of all newborn infants who have or are suspected of having an infectious disease.

11B When an infectious condition is thought to exist the infant shall be isolated in accordance with policies and procedures established and approved by the hospital and consistent with recommended procedures of ACOG, AAP, and the "Control of Communicable Diseases Code" ~~177-1111-Adm-Code-6987~~.

- 4) ~~Personnel for care of mothers and infants~~ The personnel requirements and recommendations set forth in Subpart D apply to the operation of the maternity department ~~as do~~ in addition to the following:

1) Nursing Staff - General Requirements

- A) Nursing supervision by a registered professional nurse shall be provided for the entire ~~twenty-four~~ 24-hour period for each occupied unit of the maternity and neonatal services. This nurse shall have education and experience in maternity and/or neonatal nursing.

- B) At least one maternity ~~and/or~~ neonatal nurse trained in maternity and nursery care shall be assigned to the care of mothers and infants at all times. When infants are present in the nursery at least one person trained to give care to the newborn infants shall be assigned at all times to the nursery with duties restricted to the care of the infants. Infants shall never be left unattended.

- C) A registered professional nurse must be in attendance at all deliveries, and must be available to monitor the mother's general condition and that of the fetus during labor and for at least two hours after delivery and longer if complications occur.

- D) Nursing personnel providing care for obstetric and other patients shall be instructed on a continuing basis in the proper technique to prevent cross-infection. When necessary

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for the same nurse to care for both maternity and nonmaternity patients in the gynecologic unit, proper technique shall be followed ~~stressed~~.

- B) Nursing personnel are only permitted to be assigned to the maternity neonatal division for an entire shift.

- F) Temporary relief from outside the maternity neonatal division by qualified personnel shall be permitted as necessary according to appropriate infection control policy.

- 2) Nursing Staff - Level I or Primary Care for occupied units. These units shall meet the following requirements in addition to General Care Requirements in Section 250.1830(f)(1).

- A) Labor and Delivery Unit Staffing shall ~~be planned to~~ ensure that the total nursing personnel on each shift is equal to one-half the average number of deliveries per 24 hours. At least half of the personnel on each shift shall ~~be~~ should be R.N.s, and at no time shall ~~the nursing staff on any shift be fewer than two. The nursing staff of the labor and post-delivery recovery areas shall not have other responsibilities in the labor and post-delivery recovery areas except for emergencies.~~

- B) Postpartum and General Care Newborn Unit
1) If these units are organized as separate nursing units, staffing should be based on a formula of one nursing personnel per six to eight 6-8 patients and should ensure one R.N. per unit per shift.

- 2) If the units are combined as a rooming-in or modified rooming-in unit, the nursing staff shall ~~be~~ should be planned to provide one nursing personnel per four mother baby units and shall ~~be~~ should never be staffed at fewer ~~less~~ than two nursing personnel per shift. One shall ~~be~~ should be a registered professional nurse (R.N.).

- C) At least one member of the nursing staff on each shift, who is skilled in cardiopulmonary resuscitation of the newborn, must be immediately available to the delivery suite and newborn nursery area.

- D) Changes in medical staff regulations, where applicable, shall ~~be~~ should be provided to permit the perinatal medicine service to fully utilize the services of specially trained paramedical and nursing personnel where these personnel are needed and/or desired.

- 3) Nursing Staff - Level II Intermediate Perinatal Care Requirements. These units shall meet the following requirements in addition to General Care Requirements in Section 250.1830(f)(1).

- A) Labor and ~~Delivery~~ delivery shall include at least one registered professional nurse on each shift who must be competent in the use of continuous electronic fetal

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3) monitoring techniques.

- i) A staffing ratio of one licensed nursing personnel per three or four infants must be available.
- ii) Nursing personnel may be shared with the general care nursery as needed.

iii) There must never be fewer ~~less~~ than two licensed nursing personnel available in the general and intermediate care nurseries, at least one of whom is a ~~licensed-registered-professional-nurse-R.N.+~~ licensed-registered-professional-nurse-R.N.

- 4) Nursing Staff - Level III Tertiary Perinatal Care. ~~These units shall meet the following requirements in addition to Intermediate Care Requirements in Section 250.1-930(f)(3).~~

A) Staffing patterns on each shift must be such that a 1:1 ratio between patients who require intensive care during labor and delivery and a registered professional nurse who is competent, by virtue of training and/or experience, in the care of high risk obstetric patients can be maintained as necessary. A ratio of at least one registered professional nurse to 1 1/2 patients shall be maintained at all times.

3) Neonatal intensive care nursing on a 1:1 basis must be available as indicated. A ratio of at least one registered professional nurse to 1 1/2 patients shall be maintained at all times.

5) Medical Personnel

A) Level I or Primary Care:

- i) One physician should be Chief of Neonatal Care. He or she should be a board certified pediatrician. Where this is not possible, a physician with experience and regular practice may be the Chief and responsible for neonatal care, and a source of pediatric and/or neonatology consultation shall ~~should~~ be documented.

ii) The director of obstetrical service should be a board certified obstetrician. Where this is not possible, a physician with experience and regular practice may be Chief and responsible for obstetric care, and a source of obstetric consultation shall should be documented.

3) Level II or Intermediate Care:

- i) A board certified pediatrician with special interest and training in neonatal/perinatal medicine or a certified neonatologist should be Chief of Neonatal Care. A board certified obstetrician should be Chief of Obstetrical Care. Obstetrical anesthesia should be directed by a board certified anesthesiologist with experience and competence in obstetrical anesthesia. Hospital staff should also include a pathologist and an 'on call' radiologist 24 hours a day. Specialized

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medical and surgical consultation shall should be readily available.

- ii) Other staff: Laboratory and X-ray technicians in the hospital shall ~~should~~ be readily available at all times. In addition, a respiratory therapist may be part of the staff.

C) Level III or Intensive Care:

- i) The Chief of Neonatal Pediatrics should be eligible for certification by the American Board of Pediatrics' subspecialty board of neonatal/perinatal medicine, and is responsible for care in intensive care areas. Only physicians eligible for certification in neonatal/perinatal medicine shall ~~should~~ be responsible for care of infants in the Intensive Care area, but other physicians should be encouraged to participate. The Chief shall ~~should~~ be full-time with the hospital service. There shall ~~should~~ be sufficient number of qualified or certified neonatologists to assure availability of such care at all times. The chief of obstetric/perinatal service at the Level III facility shall ~~should~~ be a board certified obstetrician and preferably certified in fetal/maternal medicine.

ii) Pediatric medical and surgical subspecialists must be available for consultation. An anesthesiologist with special training in maternal fetal and neonatal anesthesia must be in charge of anesthesia services. A pathologist and radiologist with experience in interpretation of radiographs of neonatal patients shall ~~should~~ be members of the hospital staff.

6) Nutritionist Staff

A) For Level II units a registered dietitian with professional experience and/or course work that ~~which~~ relates to perinatal maternal and newborn dietary management should be available.

3) For Level III units a registered dietitian with professional experience and/or course work that ~~which~~ relates to perinatal maternal and newborn dietary management shall be available.

3) Practices and procedures for care of mothers and infants

- 1) The hospital shall effect all necessary precautionary measures against the admission to the maternity department of actual or suspected infectious patients.
- 2) Patients with clean obstetric complications (regardless of month of gestation) such as toxemia of pregnancy for observation and treatment, placenta praevia for observation or delivery, ectopic pregnancy, and hypertensive heart disease in a pregnant patient, may be admitted to the maternity department and be under the same

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rules and regulations as any other maternity case. Refer to Section 250.132(h)(6)(B).

- 3) The physician shall determine whether a prenatal serological test for syphilis has been done on each mother and the results recorded. If no such test has been done before the admission of the patients, the test shall be performed as soon as possible. Specimens may be submitted in appropriate containers to an Illinois Department of Public Health laboratory for testing without charge.

- 4) No maternity patient under the effect of an analgesic or an anesthetic, in active labor or delivery, shall be left unattended at any time.

- 5) Fetal maturity shall should be established and documented prior to elective inductions and Cesarean sections. There shall be a written policy and procedure established by the hospital concerning the administration of oxytocic drugs.

- A) Oxytocin should be used for the challenge test only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall should be available to the team members assuming this responsibility. It is recommended that Oxytocin should be administered by controlled infusion.

- 3) Oxytocin shall should be used for medical induction or stimulation of labor only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall should be available to the team members assuming this responsibility. It is recommended that the following be included in these policies:

- i) The attending physician should evaluate the patient for induction or stimulation, especially with regard to indications.

- ii) The physician or other individuals starting the Oxytocin shall should be familiar with its effect and complications and be qualified to identify both maternal and fetal complications.

- iii) A qualified physician shall should be immediately available as is necessary to manage any complication effectively.

- iv) The intravenous route is the only acceptable mode of administration. It is recommended that an infusion pump, or other device for accurate control of the rate of flow, and a two-bottle system, one of which contains no Oxytocin substance, be used.

- 7) During Oxytocin administration, the fetal heart rate; the resting uterine tone; and the frequency, duration and intensity of contractions must be monitored

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electronically and recorded. Maternal blood pressure and pulse must be monitored and recorded at intervals comparable to the dosage regimen; that is, at 30- to 50 minute intervals, when the dosage is evaluated for maintenance, increase or decrease. Evidence of maternal and fetal surveillance must be documented.

- 2) Identification of infants. The hospital shall use standards that are consistent with, but not limited to, procedures for the identification of newborn infants as recommended by the American Academy of Pediatrics, which are as follows (Guidelines for Perinatal Care: American Academy of Pediatrics/American College of Obstetricians and Gynecologists; 1983; pg. 78):

- A) "NEONATE IDENTIFICATION. While the newborn is still in the delivery room, two identical bands indicating the mother's admission number, the neonate's sex, and the date and time of birth should be placed on the wrist or ankle. The nurse in charge of the delivery room is responsible for preparing and securely fastening these identification bands to the neonate. The birth records and identification bands should be checked by both the nurse and the responsible physician before the neonate leaves the resuscitation area of the delivery room. When the neonate is admitted to the nursery, both the delivery room nurse and the admitting nurse should check the identification bands and birth records, verify the sex of the neonate, and sign the neonate's record. The admitting nurse should fill out the bassinet card and attach it to the bassinet. Later, when the neonate is shown to the mother, she should be asked to verify the information on the identification bands and the sex of the neonate. It is imperative that delivery room and nursery personnel be meticulous in the preparation and placement of neonate identification bands."

- B) "Footprinting and fingerprinting have in the past been recommended for purposes of neonate identification. Techniques such as sophisticated blood typing are now available and appear to be more reliable. If utilized, dermatoglyphics should be done carefully. Individual hospitals may want to continue with footprinting and fingerprinting, but universal use of this practice is no longer recommended."

- C) ~~Prevention of ophthalmia neonatorum-~~ Within one hour after delivery, a one percent silver nitrate solution or ophthalmic ointment or drops containing tetracycline or erythromycin shall be instilled into the eyes of the newborn infant as a preventive against ophthalmia neonatorum. Do not irrigate immediately. This solution may be obtained free of charge from the Department's Division of Disease Control.

- 3) ~~Birth record-~~ Each infant shall be given complete individual

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cubside care. The use of a common bath table is prohibited. Scales shall be adequately protected to prevent cross-infection.

2) ~~Artificial-feeding--~~Artificial feedings and formula changes shall not be instituted except by written order of the attending physician.

10) Facilities for drug services. Refer to Section 250.2130(a).

11) ~~Transport-of-infants--~~Newborn infants shall be transported safely from the delivery room to the nursery ~~safely~~. Transport should be in a heated incubator. Adequate support systems (heating, oxygen, suction) should be incorporated into the transport units for these infants (e.g., to x-ray). Chilling of the newborn and cross-infection must be avoided. Where travel is excessive and through other areas, special transport incubators may be required. The method of transporting infants from the nursery to the mothers shall be individual, safe and free from cross-infection hazards.

12) ~~Stay-of-baby--~~It is preferable that neonates be observed for 40 to 72 hours prior to discharge. Healthy ~~Normal--healthy~~ infants should be discharged from the hospital simultaneously with the mother or to other authorized (by the mother) personnel should the mother remain in the hospital for an extended stay.

13) When a patient's condition permits, an infant may be transferred from an intensive care nursery to the referring nursery or to another nursery that ~~when~~ is nearest the home and at which an appropriate level of care may be provided.

14) ~~Ritual-circumcision--~~Circumcisions by a Mohel shall be performed under aseptic conditions. Such circumcisions shall not be performed in the delivery room. A registered nurse or physician shall be in attendance and attendance by visitors shall be limited.

15) A single parenteral dose of vitamin ~~Vitamin~~ K-1, water soluble 3.5 mgm, shall ~~should~~ be given to the infant soon after birth as a prophylaxis against hemorrhagic disorder in the first days of life.

16) Circumcisions shall not be done ~~under-any-circumstances~~ in the delivery room or within the first six hours after birth. ~~A and shall-be-delayed-until-the-infant-is-12-hours-old--~~ ~~The infant-is-in-stable-condition--Circumcisions-may-be-ordered-and-performed-by-a-physician-may-order-and-perform-a-circumcision-when-the-infant-is-over-the-age-licensed-to-practice-medicine-in-ait-of-its-branched-between-the-ages-of-6-hours-and-is-healthy-and-stable-and-12-hours-only-when-in-whether-the-physician's-professional-judgment-the-facts-do-not-require-a-delay-to-a-later-point-in-time.~~

17) The hospital shall ~~it-is-recommended-that-hospitals~~ adhere to the practices prescribed in the current 1995 edition of the American Academy of Pediatrics publication entitled, "Standards and Recommendations for Hospital Care for Newborn Infants," and

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the American College of Obstetricians and Gynecologists publication, "Standards for ~~Obstetric--~~ ~~Obstetric-Gynecologic~~ Services ~~Hospital-Standards~~."

a) Medical Records

1) Obstetric records-

A) For each patient there shall be adequate, accurate, and complete medical records. The medical records shall include findings during the prenatal period which should be available in the maternity department prior to the patient's admission and shall include medical and obstetric history, observations and proceedings during labor, delivery and the postpartum period, and laboratory and x-ray findings.

3) Records shall be maintained in accordance with the minimum ~~minimum~~ observations and laboratory tests outlined in the ~~most-current~~ 1989 edition of the "Manual of Standards," American College of Obstetricians and Gynecologists--~~White~~ ~~net~~. The physician director of the maternity department shall require all physicians delivering obstetrics care to send copies of the prenatal records to the obstetrical unit at or before 37 weeks gestation.

2) Infant records. For each infant there shall be accurate and complete medical records. The medical records shall include:

A) History of maternal health and prenatal course.

3) Description of labor, including drugs administered, method of delivery, complications of labor and delivery, and description of placenta and amniotic fluid.

C) Time of birth and condition of infant at birth, including Apgar score at one and five minutes, age respiration became spontaneous and sustained, description of resuscitation if required, description of abnormalities and problems occurring from birth until transfer from the delivery room.

D) Report of a complete and detailed physical examination within 24 hours following birth; report of a medical examination within 24 hours of discharge and one at least every three days during the hospital stay.

E) Physical measurements including length, weight and head circumference at birth and weight every day; temperature twice daily--~~charted~~.

F) Documentation of infant feeding: intake, content, and amount if by formula.

G) Clinical course during hospital stay including treatment rendered and patient response; clinical note of status at discharge. ~~Reference--"Standards--and-recommendations-for-Hospital-Care-of-Newborn-Infants--American-Academy-of-Pediatrics--and--the-American-College-of-Obstetricians-and-Gynecologists--"Obstetric-Gynecologic-Hospital-Standards--"~~

3) Register--~~of--births~~--The hospital shall keep a record of births

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that which contains data sufficient to duplicate the birth certificate. The requirement may be met:

- 1) by retaining the yellow "hospital copy" of the birth certificate properly bound in chronological order, or
- 2) by retaining this copy with the individual medical record.

1) Reports

a) Perinatal Activities Report Each hospital that provides maternity service shall submit a monthly perinatal activities report on forms provided for this purpose by the Department. This report shall be signed by the administrator and the obstetric nursing supervisor and shall be mailed not later than the fifth of the following month. Refer to Section 250-1030f++.

b) Maternal Death Report

1) A) The hospital shall submit an immediate report of the occurrence of a maternal death to the Department. A death shall be reported when it involves any condition associated with gestation, such as normal pregnancy, abortion, or ectopic pregnancy, regardless of whether the death occurred in the maternity division or any other section of the hospital, or whether the patient was delivered in the hospital where death occurred, or elsewhere. This report shall also be made on the death of any woman within 30 days following the termination of a pregnancy.

2) The filing of this report shall in no way preclude the necessity of filing a death certificate or of including the death on the Maternity Activities Report.

3) Birth--Stillbirth--and--Death--Certificates The hospital shall comply with the laws of the State and the regulations of the Department as regards the preparation and filing of birth, stillbirth, and death certificates.

4) Epidemic and Communicable Disease Reporting

a) Birth of the newborn

1) Birth of the newborn is defined as--the occurrence in any infant of four or more--loose or watery or otherwise pathological stools--in twenty-four hours with or without weight loss--anorexia--and irritability.

2) The occurrence of two or more cases of diarrhea as defined above constitutes an epidemic. The administrator of the hospital must report at once to both the local health authority and to the Illinois Department of Public Health by telephone or telegram.

3) The regulations for the control of cases and contacts are stated in the Department's rules entitled--Control of Communicable Diseases--Code--177--111--Adm--Code--690f and are of reference made a part of these regulations--and are of epidemic infections.

4) Other epidemic infections

5) The occurrence of a diagnosed case of impetigo-contagiosa

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shall be reported to the local health officer--the occurrence of two or more cases of impetigo-contagiosa or other skin infection shall be reported in the same manner as for diarrhea--the occurrence of two or more cases of epidemic impetigo--related infections of staphylococci, streptococci, and salmonella--shall be reported to the Illinois Department of Public Health.

b) Ophthalmia Neonatorum or Syphilis

1) The occurrence of these diseases in the newborn infant shall be reported as required by the Department's rules entitled--Control of Communicable Diseases--Code--177--111--Adm--Code--690f.

2) AB The hospital shall develop a protocol for management and reporting of infections described above and others such as hepatitis, hepatitis--and--rubella--to protect the mother and infant--the procedures must be consistent with the Department's rules entitled--Control of Communicable Diseases Code--177--111--Adm--Code--690f and with policies and procedures described by the Academy of Pediatrics in "Standards and Recommendations for Hospital Care for the Newborn in Hospitals Infants" and as approved by the Infection Control Committee. "Report of the Department of Infections--Diseases--and--with--SSHS--Infection--Report--to--the--Hospital--" These policies shall be known to the maternity and nursery personnel.

3) The facility shall particularly address these infections specifically related to mothers and infants, including but not limited to diarrhea of the newborn, staphylococcal infections occurring in infants under 28 days of age, and ophthalmia neonatorum.

c) Formula

1) If pasteurized, commercially prepared formula is used exclusively and no formula is prepared by the hospital, a formula room and formula room equipment are not required; however, adequate space, equipment and procedures acceptable to the Department for processing, handling and storing of commercially prepared formula shall be provided. Procedures and aseptic techniques shall be established and enforced. Provisions must be made for the preparation of special formula.

2) All hospitals providing maternity or pediatric services, which prepare their own formula, shall provide a well-ventilated and well-lighted formula room, which shall be adequately supervised and used exclusively for the preparation of formulas.

3) Equipment shall include handwashing facilities with hot and cold running water with knee, foot or elbow controlled valves; a double section sink for washing and rinsing bottles; facilities for storing cleaning equipment, refrigeration facilities; utensils in good condition for preparation of formulas; cupboard

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and work space and a work table; an autoclave and a supply of individual formula bottles, nipples and protecting caps, adequate to prepare a 24 ~~twenty-four~~-hour supply of formula and water for each infant. Procedures shall be established by the hospital and enforced.

4) Visiting regulations

- 1) The visiting regulations set forth in Subpart B shall apply to maternity departments, except as modified in this subsection ~~part~~.
- 2) It is recommended that visitors be limited to two per patient at any one time.
- 3) Contact with the infant shall be restricted to the father, or one other adult selected by the mother, except as provided in subsection (k)(4) of this Section or as part of a rooming-in program as provided in Section 250.1850.
- 4) Siblings and grandparents may have contact with the infant only if the hospital has established specific policies and procedures for such a program. The program must include:

- A) Approval of the program by the hospital's Infection Control Committee and Governing Board;
- 3) A requirement for written consent of the mother for visitation by specific siblings or grandparents;
- 2) A procedure for handwashing of visitors prior to having contact with the infant; and
- 2) A policy on the location where visitation will occur.

- 5) The presence of the father or individual selected by the mother in the delivery room shall be discretionary with the individual hospital. If the father or the individual selected by the mother of the baby is to be admitted to the delivery room of any hospital, the hospital shall first have adopted a policy statement on the matter that ~~which~~, among other things, establishes the following conditions:

- A) written consent of both the mother and the attending physician;
- 3) prior orientation preparation of the father of the baby or the selected individual and mother to this experience; and
- 2) application of safeguards against the introduction of infection or other hazard by the father of the baby or selected individual.

- 3) Smoking shall be prohibited in the delivery rooms, nurseries, and corridors. (Refer to Section 250.250(g).)

- 4) Visiting hours shall not correspond with periods during which infants are with the mothers or ~~not~~ with periods during which mothers are receiving nursing care, nor ~~or~~ interfere with the care of patients.

- 4) Visitors shall neither sit nor place their clothing upon the beds.

1) Every hospital shall demonstrate to the Department that the following

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have been adopted:

- 1) Procedures designed to reduce the likelihood that an infant patient will be abducted from the hospital. The procedures may include, but need not be limited to, architectural plans to control access to infant care areas, video camera observation of infant care areas, and procedures for identifying hospital staff and visitors.
- 2) Procedures designed to aid in identifying allegedly abducted infants who are recovered. The procedures may include, but need not be limited to, footprinting infants by staff who have been trained in that procedure, photographing infants, and obtaining and retaining blood samples for genetic testing. (Section 6.15 of the Act)

Source: Amended at 19 Ill. Reg. _____, effective _____

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Alternate Fuel Systems For School Buses

2) Code Citation: 92 Ill. Adm. Code 449

3) Section Numbers: Proposed Action:
449.20 Amend

4) Statutory Authority: Implementing and authorized by Section 12-912.1 of the Illinois Vehicle Equipment Law 625 ILCS 5/12-912.11.

5) A complete description of the subjects and issues involved: This Part governs the use of liquefied petroleum gases and compressed natural gas as propellant fuel in school buses. The installation, maintenance and operation of such fuel systems are covered by this Part. This rulemaking will add a grandfather clause for alternately fueled school buses which were in existence before February 26, 1990.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking affects units of local government that owned or operated alternate fuel school buses prior to February 26, 1990.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1135

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Commercial Vehicle Safety: 3rd floor
Springfield, Illinois

For requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Carutha-Beard, Rules Manager
Illinois Department of Transportation
2000 South Dirksen Parkway, Room 300
Springfield, IL 62764

Comments received within forty-five days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking affects small businesses which owned or operated alternate fuel school buses prior to February 26, 1990.

B) Reporting, bookkeeping or other procedures required for compliance: No additional procedures are required by this rulemaking.

C) Types of professional skills necessary for compliance: No additional skills are required for compliance.

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This rulemaking was included in the Department's July 1995 regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER 1: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 449

ALTERNATE FUEL SYSTEMS FOR SCHOOL BUSES

Section

449.10 Purpose and Scope

449.20 Application

449.30 Installation, Maintenance and Operation

449.40 Container Installation

449.50 Carburetion Equipment

449.60 Pipe and Hose Installation

449.70 Identification

AUTHORITY: Implementing and authorized by Section 12-812.1 of the Illinois Vehicle Equipment Law (625 ILCS 5/12-812.1).

SOURCE: Adopted at 14 Ill. Reg. 3686, effective February 26, 1990; amended at 13 Ill. Reg. _____, effective _____.

Section 449.20 Application

1) This Part applies to any person who began operation of ~~operates a~~ school bus on or after February 26, 1990 which is equipped to use any liquefied petroleum gas or compressed natural gas as a fuel propellant.

2) This Part does not apply to any person who operated a school bus before February 26, 1990 which was equipped to use any liquefied petroleum gas or compressed natural gas as a fuel propellant.

(Source: Amended at 13 Ill. Reg. _____, effective _____.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Highway Construction By Contract

2) Code Citation: 44 Ill. Adm. Code 675

3) Section Numbers: Proposed Action:

675.30

Amend

4) Statutory Authority: Implementing Section 5 of the Illinois Purchasing Act (30 ILCS 505/51); Section 1 of the Public Construction Bond Act (30 ILCS 530/1) and Section 4-201.4 of the Illinois Highway Code (605 ILCS 5/4-201.4) and authorized by Section 4-201.1 of the Illinois Highway Code (605 ILCS 5/4-201.1) and Section 5 of the Illinois Purchasing Act (30 ILCS 505/51).

5) A complete description of the subjects and issues involved: This Part will be amended by repealing Section 675.30, Prequalification of Bidders. This Section is obsolete since the promulgation of 44 Ill. Adm. Code 650, Prequalification of Contractors and Issuance of Plans and Proposals, in 1994.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: No effect since prequalification procedures are covered by 44 Ill. Adm. Code 650.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 S. Dirksen Parkway, Room 300
Springfield, Illinois 62764
217) 782-3215

Comments received within forty-five days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

DEPARTMENT OF TRANSPORTATION

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- (2) Initial Regulatory Flexibility Analysis: No effect since prequalification procedures are covered by 44 Ill. Adm. Code 550.
- (3) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This rulemaking was included in the Department's July 1995 regulatory agenda.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 675

HIGHWAY CONSTRUCTION BY CONTRACT

SUBPART A: GENERAL RULES GOVERNING BIDDING AND AWARDS--AND
PREQUALIFICATION OF HIGHWAY CONSTRUCTION CONTRACTORS

Section
675.10
675.20
675.30
675.40
675.50
675.60
675.70
675.80
675.90
675.100
675.110
675.120

Award of Contract
Standard Specifications for Road and Bridge Construction
Prequalification of Bidders
Notice to Bidders and Advertisement
Official Newspaper
Service Bulletin
Contents of Proposal Forms
Preparation of the Proposal
Bidders' Ownership, Officers and Directors
Delivery of Proposals
Public Opening of Proposals
Additional Work

SUBPART B: STANDARDS AND PROCEDURES GOVERNING
THE SUSPENSION OF CONTRACTORS

Section
675.210
675.220
675.230
675.240
675.250
675.260
675.270
675.280
675.290
675.295

Purpose
Definitions
Causes for Suspension
Suspension
Notice and Hearings
Hearing Procedures
Determination
Scope of Determination
Severability
Effective Date

AUTHORITY: Implementing Section 5 of The Illinois Purchasing Act (30 ILCS 505/5), Section 1 of the Public Construction Bond Act (30 ILCS 550/1) and Section 4-201.4 of the Illinois Highway Code (605 ILCS 5/4-201.4) and authorized by Section 4-201.1 of the Illinois Highway Code (605 ILCS 5/4-201.1) and Section 5 of the Illinois Purchasing Act (30 ILCS 505/5).

SOURCE: Amended April 1, 1974; amended at 7 Ill. Reg. 7322, effective June 1, 1983; codified at 8 Ill. Reg. 17992; amended at 19 Ill. Reg. _____.

DEPARTMENT OF TRANSPORTATION

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[illegible]

SUBPART A: GENERAL RULES GOVERNING BIDDING AND AWARDS--AND REQUALIFICATION OF HIGHWAY CONSTRUCTION CONTRACTS CONTRACTORS

Section 675.30 Prequalification of Bidders

All bidders shall be qualified in accordance with 41 Ill. Adm. Code 550.

Source: Amended at 13 Ill. Reg. _____, effective _____.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Heading of the Part: Railroad Maintenance By Contract

Code Citation: 44 Ill. Adm. Code 655

Section Numbers: Proposed Action:

555.30 Amend

Statutory Authority: Implementing and authorized by Section 5 of the Illinois Purchasing Act (30 ILCS 505/5).

3) A complete description of the subjects and issues involved: This part will be amended by repealing Section 655.30, Prequalification of Bidders. This Section is obsolete since the promulgation of 44 Ill. Adm. Code 650. Prequalification of Contractors and Issuance of Plans and Proposals in 1994.

5) Will this proposed rulemaking replace an emergency rule currently in effect? No

Does this rulemaking contain an automatic repeal date? No

3) Does this proposed amendment contain incorporations by reference? No

3) Are there any other amendments pending on this Part? No

	Statement of	Statewide policy	Objectives:	No effect since
100	Regualification	procedures are covered by 44 Ill. Adm. Code 650.		

2.1) Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Ms. Christine Carona-Beard, Sales Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 S. Dirksen Parkway, Room 200
Springfield, IL 62764
(217) 782-3215

Comments received within forty-five days of the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

2) Initial Regulatory Flexibility Analysis: No effect since prequalification procedures are covered by 44 Ill. Adm. Code 650.

3) State reason(s) for this rulingmaking if it was not included in either of

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NOTICE OF PROPOSED AMENDMENTS

The two (2) most recent regulatory agendas! This rulemaking was included in the Department's July 1995 regulatory agenda.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 655

RAILROAD MAINTENANCE BY CONTRACT

SUBPART A: GENERAL RULES GOVERNING BIDDING AND AWARDS--AND
~~REGULATION~~ OF RAILROAD CONSTRUCTION CONTRACTS HIGHWAY
CONTRACTORS

Section
555.10 Award of Contract
555.20 Specifications for Railroad Maintenance
555.30 Prequalification of Bidders
555.40 Notice to Bidders and Advertisement
555.50 Official Newspaper
555.60 Further Advertisement and Notification
555.70 Contents of Proposal Forms
555.80 Preparation of the Proposal
555.90 Bidders' Ownership, Officers and Directors
555.100 Delivery of Proposals
555.110 Public Opening of Proposals
555.120 Additional Work

SUBPART B: STANDARDS AND PROCEDURES GOVERNING THE
SUSPENSION OF CONTRACTORS

Section
555.210 Purpose
555.220 Definitions
555.230 Causes for Suspension
555.240 Suspension
555.250 Notice and Hearings
555.260 Hearing Procedures
555.270 Determination
555.280 Scope of Determination
555.290 Severability
555.295 Effective Date
555.298 Waiver of Regulations

AUTHORITY: Implementing and authorized by Section 5 of the Illinois Purchasing Act (30 ILCS 505/5).

SOURCE: Adopted October 18, 1976; codified at 8 Ill. Reg. 17990; amended at 19 Ill. Reg. _____, effective _____.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Ron Vlasat
 Address: Illinois Department of Alcoholism and Substance Abuse
 James R. Thompson Center
 300 West Randolph Street, Suite 5-500
 Chicago, Illinois 60601
 312/814-2301
 TTD: (312)419-8432

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
 SUBCHAPTER 9: MEDICAID PROGRAM STANDARDS

PART 2090

SUBACUTE ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT SERVICES

Section	Purpose
2090.10	Definitions
2090.20	Medicaid Enrollment Licensure
2090.30	General Requirements
2090.35	Reimbursable Services
2090.40	Utilization Review
2090.50	Recordkeeping
2090.60	Rate Setting
2090.70	Rate Appeals
2090.80	Application and Certification Process for Medicaid Providers
2090.90	Recertification
2090.100	Inspections
2090.105	Sanctions for Non-Compliance/Audits
2090.110	

AUTHORITY: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301.5-10).

SOURCE: Adopted at 11 Ill. Reg. 2236, effective January 14, 1987; emergency amendments at 12 Ill. Reg. 11273, effective June 30, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 20061, effective November 26, 1988; emergency amendments at 15 Ill. Reg. 10222, effective June 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16662, effective November 1, 1991; amended at 16 Ill. Reg. 11807, effective July 14, 1992; amended at 18 Ill. Reg. 14223, effective September 2, 1994; amended at 19 Ill. Reg. 10454, effective JUL 1 1995.

Section 2090.35 General Requirements

- a) A physician must review and approve the eligible client's diagnosis and treatment plan within fourteen days after initial service. Medical involvement and treatment plan development and review shall be consistent with 77 Ill. Adm. Code 2058.321 (Medical Responsibility), 2058.333 (Treatment Plans) and 2058.336 (Progress Notes). A Qualified Treatment Professional shall develop and review treatment plans according to the following review times:
 - 1) upon admission, transfer, and discharge;
 - 2) upon a change in the level of client functioning such as, but not limited to, when treatment plan objectives are met or new problems or needs are identified;
 - 3) at times specified for review in the individualized treatment

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Plan:

- 4) at the end of the estimated length of treatment and thereafter on the revised estimate of additional length of treatment; or
- 5) every ninety days, whichever comes first.
- 6) The provider shall submit Medicaid claims on a timely basis. Claims shall be submitted as soon after the service date as is reasonable unless there is good cause for later submission. In any event, if a clean claim for a service provided within a State Fiscal Year is not submitted to the State on a timely enough basis to be paid within the State Fiscal Year lapse period, the provider must pursue reimbursement through the Court of Claims. Claims submitted later than 12 months from the date of service shall not be reimbursed by the State.
- 7) Information Collection through DARTS.

1) The provider shall report, on a monthly basis, demographic and service system data using DASA's Automated Reporting and Tracking System (DARTS). The data collected shall be for the purpose of assessing individual client performance and for planning for future service development. Information to be reported by the provider, for each individual served by a program certified under Section 2090.90 of this Part, shall include but is not limited to the following:

- A) Name, date of birth, gender, race and national origin, family size, income level, marital status, residential address, employment, education and referral source.
- B) Special population designation, such as Medicaid eligible clients, women with dependent children, intravenous drug users (IVDUs), DCFS clients, DMHDD clients, and criminal justice clients.
- C) Drug/alcohol problem areas treated, characterized by drugs of use, frequency of use, and medical diagnosis.
- D) Closing date information, such as the reason for discharging the client from the program.
- E) The Department shall supply providers with DARTS software.
- F) Disclosure of information contained within DARTS is governed by the specific provisions of Federal regulations under Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR 2 (1987)).

Source: Amended at 19 Ill. Reg. **10454**, effective

JUL 1 1995

Section 2090.90 Application and Certification Process for Medicaid Providers

- a) Applications may be obtained by submitting a request in writing to:

Illinois Department of Alcoholism and Substance Abuse

James R. Thompson Center

Quality Assurance Certification Unit

200 West Randolph Street

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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Suite 5-600

Chicago, IL 60601

- b) The Department shall forward the application materials not later than 15 calendar days after receipt of the request.
- c) Applicants for new certification will be accepted from programs which have been licensed as required by Section 2090.30(a) for at least two years (or whose parent organization has). Applicants shall demonstrate two years of experience in providing quality substance abuse services of the kind for which certification is being requested and for the type of population which will be served.
- d) Applicants shall submit documentation of the following:
 - 1) evidence of the need within the community for the type of services to be provided by the program for which certification is sought;
 - 2) description of the organization that will be operating the program;
 - 3) fiscal solvency of the organization;
 - 4) description of the physical facilities to be utilized by the program;
 - 5) description of the program and the clientele it serves;
 - 6) projection of the total number of Medicaid clients to be served each month, the average length of stay anticipated, and the estimated average per person cost of treatment;
 - 7) schedule of the specific dates, times and places services will be provided;
 - 8) number and type of people served during the previous 2 years in the program for which certification is sought and a description of the people served (demographics, gender, drug of choice, Medicaid eligibility, income level, etc.);
 - 9) name, address and professional qualifications of the program's Medical Director;
 - 10) name and qualifications of each individual who will be staffing the program and a description of that individual's responsibilities with respect to the program;
 - 11) copies of written referral agreements with other social service systems and primary medical care service systems within the applicant's area;
 - 12) copies of referral agreements with other substance abuse treatment programs within the applicant's area implemented to assure availability of a full range of services as required in 77 Ill. Adm. Code 2058.354;
 - 13) quality assurance standards and utilization review processes consistent with Section 2090.50 (documentation of the program's quality assurance system and utilization review policy as applied to the program's clinical standards) which have been used for the previous 2 years, with a copy of the 2 most recent utilization review reports; and
 - 14) measurable outcome evaluation process used for the past 2 years

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- and statistics on the program's patient outcomes.
- a) Applicants who receive funding from the Department shall submit evidence that they are in compliance with 77 Ill. Adm. Code 2030 Subparts D, G and Section 2030.710 and 2030.710. Applicants who do not receive funding from DASA shall submit copies of the two previous years' annual audits according to the standards established in 77 Ill. Adm. Code 2030.620 and two copies of the statistical and financial data submitted in a format required by the Department.
 - b) Applications which are missing significant components or which have inadequate information shall be returned to the applicant with a statement specifying the missing or inadequate information. Completed applications may be resubmitted. Applications which are missing less significant components may be held by the Department and the applicant notified in writing of the missing information. The applicant may submit only the missing components. The Department shall hold such incomplete applications no more than 30 calendar days.
 - c) The Department shall conduct an on-site inspection pursuant to Section 2090.105.
 - d) Based upon the inspection conducted under subsection (g) and on the information submitted by the applicant under subsection (d), the Department will certify the program if the Department determines that:
 - 1) the applicant has proven that an unmet need for the services exists in the community the program will serve;
 - 2) the organization operating the program is fiscally sound and responsible;
 - 3) the program management is experienced in business and in the delivery of substance abuse services;
 - 4) the program has sufficient written agreements with social, medical and other substance abuse service providers within its area to assure proper linkage of services to an individual;
 - 5) the program has experience with the Medicaid eligible population it intends to serve;
 - 6) the program has adequate physical facilities and adequate numbers of qualified alcoholism and other drug treatment professionals to provide the services;
 - 7) the program includes utilization review policies and procedures (with adequate clinical standards) and quality assurance policies and procedures as required by 77 Ill. Adm. Code 2090.50 and 2058.309; and
 - 8) the program has a measurable outcome evaluation process in place that provides measurable indicators of improvement by program participants.
 - e) The Department shall notify the applicant in writing of its determination regarding certification.
 - 1) If the Department certifies the program, it shall include the Department of Public Aid's (IDPA) Medicaid enrollment forms with the letter of certification. The applicant shall submit the completed enrollment forms along with a copy of the letter of

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Certification to IDPA.

- 2) If the Department is not able to certify the program based on the criteria outlined in this Section, the Department shall notify the applicant in writing, describing those deficiencies that will result in a denial of the certification. The applicant has 60 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall notify the applicant under subsection (h)(1) above. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for certification. If certification is denied, the applicant may appeal the Department's decision and request a hearing pursuant to 77 Ill. Adm. Code 2000 (Rules of Practice and Procedure in Administrative Hearings).
 - 3) Certification shall be effective on the date of approval by the Department and shall remain in effect for a period of 3 years, if the provider continues to be licensed as required by Section 2090.30(a) and subject to any sanctions levied under Section 2090.110. The month and day of Department approval shall be known as the program certification's anniversary date. The program may be recertified for an additional 3 year period pursuant to Section 2090.100. After the effective date of certification, the provider may deliver services to Medicaid recipients that will be reimbursable after the applicant completes the IDPA Medicaid enrollment procedure.
 - 4) The provider shall notify the Department in writing within 30 days of any changes in policies or procedures required by this Part or described in any materials submitted as part of an application for certification.
- Source: Amended at 19 Ill. Reg. **10454**, effective **JUL 1 2005**

Section 2090.100 Recertification

- a) Any provider that wants to continue a program beyond the 3 year certification period shall apply for recertification at least 90 days prior to the anniversary date of the third year of certification.
 - 1) An applicant for recertification shall submit, in a format specified by the Department, a statement that the program continues to meet all requirements of this Part and continues to be licensed as required by Section 2090.30(a). This statement shall be signed by the Authorized Program Representative of the provider. If any of the information submitted under Section 2090.90 has changed since the original certification, the applicant shall resubmit that information in a corrected form.
 - A) Copies of all utilization review (UR) reports since the date

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of last certification and of the current UR policies and procedures.

3) Results of the program's measured outcome evaluations since the date of last certification or recertification.

4) To be eligible for recertification, providers who receive funding from the Department shall be in compliance with 77 Ill. Adm. Code 2030 Subparts D, G, and Sections 2030.710 and 2030.740.

5) Providers who do not receive funding from the Department shall submit one copy of all annual audit(s) during the previous certification period, according to the standards established in 77 Ill. Adm. Code 2030.620 (Audit Requirements), and two copies of statistical and financial data submitted on forms required by the Department.

6) The Department shall review the program and conduct the inspection required in Section 2090.105, and shall recertify the program if it complies with the requirements of the Alcoholism and Other Drug Abuse and Dependency Act and this Part.

7) If the Department is not able to recertify the program based on its review and inspection, the Department shall notify the applicant in writing, describing those deficiencies that will result in a denial of the recertification. The applicant has 30 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall recertify the program. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for recertification and shall notify the applicant in writing, giving the reasons for the denial. The provider may appeal the Department's decision and request a hearing pursuant to 77 Ill. Adm. Code 2000 (Rules of Practice and Procedure in Administrative Hearings). Certification shall remain in effect pending the Department's final decision on recertification. When the denial of recertification is final, the provider shall arrange for transfer of all Medicaid clients of the program as appropriate.

8) Inspections
a) The Department shall conduct inspections of providers certified under this Part to enforce compliance with provisions of this Part.

b) The Department inspectors shall be granted access to all facilities and service areas, client records, and all other records required under this Part.

Source: Amended at 19 Ill. Reg.

10454

effective

JUL 1 1995

Section 2090.105 Inspections

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a) The Department shall conduct inspections of applicants for program certification or recertification and of certified programs to enforce compliance with this Part. Department inspections may be conducted as part of the certification/recertification application process, on a random basis to survey compliance with this Part, or in response to complaints, if the complaint sets forth charges that constitute grounds for sanction pursuant to Section 2090.110.

b) Upon presentation of Department credentials, inspectors of the Department shall be permitted access to inspect all physical facilities and records of the program and to make inquiries of program staff and clients.

(Source: Added at 19 Ill. Reg.

10454

effective

JUL 1 1995

Section 2090.110 Sanctions for Non-Compliance/Audits

a) Failure to comply with the requirements of this Part shall result in the provider being issued a written warning or having its certification suspended or terminated for the Illinois Medical Assistance Program.

b) The Department shall issue a written warning to a certified provider who has failed to comply with Sections 2090.40(a)(1), (3) or (4), b)(1), (3) or (4), (c)(1), (3) or (4), (d)(1), (3) or (4), (e)(1) or (3), (f)(1), (3) or (4), (g), (h), or 2090.50 or 2090.60.

1) Where a certified provider has been determined to have violated the provisions specified in subsection (b), the Department shall notify the provider in writing of the deficiencies.

2) The provider shall have a maximum of 60 calendar days from the date of the written notice to correct the cited deficiencies.

c) The Department may also conduct post-payment audits based on volume of billings, complaints, identified deficiencies or non-compliance with this Part, or pursuant to a random selection process as necessary to monitor for compliance with this Part.

d) The Department shall audit a statistically significant random sample of client records at the audited program.

e) The Department shall follow the recoupment formula approved by the Department of Public Aid, should the audit result in recoupment.

f) Upon completion of the post-payment audit the Department shall submit written notification to the program regarding audit findings and amounts determined to be recoupable. The program shall respond to the notification within 15 days with supporting documentation regarding the recoupment amount. If such documentation proves that the recoupment amount is inaccurate, the amount shall be revised. The program may also request a 100% audit. The department may reduce future payments at a percentage per month or in a lump sum, or demand repayment in a lump sum.

g) The Department and the Department of Public Aid shall jointly initiate

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administrative proceedings pursuant to 89 Ill. Adm. Code 140.16 to suspend or terminate certification and eligibility to participate in the Illinois Medical Assistance Program where the provider:

- 1) Has failed to comply with Section 2090.40(a)(2), (b)(2), (c)(2), (d)(2), (e)(2) or (f)(2);
 - 2) Has failed to comply with subsection (b)(2);
 - 3) Does not have a valid license for an enrolled treatment service category issued by the appropriate licensing authority; or
 - 4) Meets any of the grounds for termination set forth in 89 Ill. Adm. Code 140.16.
- 5) The Department shall immediately refer evidence of billing discrepancies or suspected improprieties to the Department of Public Aid for further action or may initiate post-payment audits.

Source: Amended at 89 Ill. Reg. **10454**, effective
JUL 1 1995

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Authorized Child Care Payments
 - 2) Code Citation: 89 Ill. Adm. Code 359
 - 3) Section Numbers: Adopted Action:
 359.2 Amend
 359.4 Amend
 - 4) Statutory Authority: The Children and Family Services Act (20 ILCS 505/4).
 - 5) Effective Date of Rulemaking: July 1, 1995
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Does this rulemaking contain incorporations by reference? Yes
 - 8) Date Filed in Agency's Principal Office: July 1, 1995
 - 9) Notice of Proposal Published in Illinois Register: March 24, 1995. 19 Ill. Reg. 3610
 - 10) Has JCAR issued a Statement of Objections to these rules? No
 - 11) Difference(s) between proposal and final version: Minor editing changes were made in accordance with the recommendations from the Joint Committee on Administrative Rules and the Administrative Code Unit. Additional changes were made in response to public comments received and Department decisions.
- Section 359.2
- Added the following definition after "Auxiliary services":
- "Child only standard of need" means the assistance standard for cases in which no adult member is included, as determined by the Illinois Department of Public Aid in 89 Ill. Adm. Code 111.10, Assistance Standards.
- Added the following definition after "Family preservation services":
- "Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.
- Deleted the proposed added definition of "Relative caregiver" and replaced it with the following definition:

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"Relative", for purposes of placement of a child for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. (20 ILCS 505/7(b)).

Section 359.4

(a)(5), deleted the first sentence and added "Relatives licensed as foster family homes under the provisions of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes."

(b), deleted the proposed added language and replaced it with the following:

- c) "Relative family care may be provided by a relative as defined in Section 359.2 living with the State of Illinois as follows:

1) If a relative does not wish to apply for a licensure as a foster family home, or has submitted an application for licensure and the application is pending, or has applied for licensure and been denied, the relative may provide care to children for whom the Department is legally responsible as long as the relative family home continues to meet the conditions in Section 301.80 of 89 Ill. Adm. Code 301, Placement and Visitation Services.

2) Relative caregivers who choose this option will be referred to the Department of Public Aid to apply for Aid to Families with Dependent Children (AFDC) for the related children placed with them and will have 90 days to complete the AFDC application and eligibility process.

3) The Department of Children and Family Services will provide supplemental payments for children for whom the Department

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is legally responsible to bring the total income for the related children placed with the relative caregiver to the child only standard of need established by the Illinois Department of Public Aid.

- 4) For placements made prior to July 1, 1995, if the relative caregiver fails to complete the AFDC application and eligibility determination process within 90 days after receipt of a notice to apply for AFDC, the relative will receive no payment from the Department. In such cases the continued suitability of the relative's home will be assessed.
- 5) For placements made on or after July 1, 1995, if the relative caregiver fails to complete the AFDC application and eligibility determination process within 90 days after placement of the related child, the relative will receive no payment from the Department. In such cases the continued suitability of the relative's home will be reassessed.
- 6) At a future date, if the relative complies with the requirement to apply for AFDC and complete the eligibility determination process, the Department will then provide the supplemental payments to bring the total income for the related children to the child only standard of need.
- c) Relative family care may also be provided to relatives living out of the State of Illinois. If a relative living in another state is providing care for a child for whom the Department is legally responsible, the relative will receive the full foster care rate if the relative submits documentation to the Department by July 15, 1995 that they are licensed, approved or certified in accordance with the other state's standard for licensing, approving or certifying foster homes. If documentation is not postmarked by July 15, 1995, the Department will reduce the payment to the child only standard of need established for that number of children by the Illinois Department of Public Aid for Group II counties. If, at a future date, the relative submits documentation to the Department that they are licensed, approved or certified in accordance with the other state's standard for foster homes, the payment will be increased to the full foster care rate.

Relettered the remaining Section as follows: changed "b)" to "d)"; "c)" to "e)" and "d)" to "f)".

12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? Yes

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- (3) Will this rulemaking replace an emergency rule currently in effect? No
- (4) Are there any amendments pending on this Part? No
- (5) Summary and Purpose of Rulemaking: The Department is terminating the approval process for approved relative homes effective July 1, 1995 and has subsequently deleted the references to these homes. The Department will pay the foster care board rate only to relative caregivers who are licensed in accordance with 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes. When the Department places children with relative caregivers who are not licensed but meet the placement conditions of 89 Ill. Adm. Code 301.80, Relative Home Placement, relative caregivers who choose this option will be referred to the Department of Public Aid to apply for Aid to Families with Dependent Children (AFDC) for the related children placed with them. The Department of Children and Family Services will provide a supplement for children for whom the Department is legally responsible to bring the total income for the related children placed with the relative caregiver to the "child only standard of need" established for that number of children by the Illinois Department of Public Aid. Relatives who are licensed will be paid at a higher level of income because licensed homes represent a higher level of training and standard of care.

In addition, the Department has added a definition of "Relative caregiver" to Section 359.2, Definitions.

- (6) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station #222
Springfield, IL 62701-1498
(217) 524-1983 or TDD: (217) 524-3715

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER C: FISCAL ADMINISTRATION

PART 359
AUTHORIZED CHILD CARE PAYMENTS

Section

- 359.1 Purpose
359.2 Definitions
359.3 Introduction
359.4 Payments for Substitute Care Services
359.5 Payments for Family Preservation and Auxiliary Services
359.6 Payments for Independent Living Arrangements
359.7 Payments for Children's Personal and Physical Maintenance
359.8 Payments for Unmarried Mothers
359.9 Payments for Medical Care
359.10 Overpayments and Repayments

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5].

SOURCE: Adopted and codified at 5 Ill. Reg. 13129, effective November 30, 1981; amended at 9 Ill. Reg. 19705, effective December 16, 1985; amended at 10 Ill. Reg. 15575, effective September 19, 1986; amended at 19 Ill. Reg.

10464 effective JUL 1 1995

Section 359.2 Definitions

"Auxiliary services" means those services provided by the Department to children in their own homes as well as to children in placement which supplement or complement the primary service. For example, when advocacy services are provided to children in substitute care, this is an auxiliary service.

"Children for whom the Department has legal responsibility" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as determined by the Illinois Department of Public Aid in 89 Ill. Adm. Code 111, Assistance Standards.

"Family preservation services" means those services provided to children and families who require social services to maintain the

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family unit intact.

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

"Overpayment" means an amount paid for a service in excess of the actual incurred expenses or rate for that service or a payment for a service that is not rendered. This includes board payments for a child that continue after the child is no longer in the placement for which the payment is made.

"Relative", for purposes of placement of a child for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. (20 ILCS 505/7(b))

"Substitute care services" means those services provided to children who require placement away from their families.

(Source: Amended at 19 Ill. Reg. **10464**, effective **JUL 1 1995**.)

Section 359.4 Payments for Substitute Care Services

Payments are made for children for whom the Department has legal responsibility in the following types of substitute care living arrangements if the placements meet the requirements established via the purchase of service contracts and the applicable licensing rules as specified in 89-Ill-Adm-Code-335-Relative-Home-Placement, 89 Ill. Adm. Code 357, Purchase of Service, 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agencies, 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, 89 Ill. Adm. Code 403, Licensing Standards for Group Homes, and 89 Ill. Adm. Code 404, Licensing Standards for Child Care Institutions and Maternity Centers:

- a) Foster family care is provided in licensed foster family homes or approved homes of relative-caregivers. The Department recognizes the following types of foster family care:
 - 1) Specialized foster family homes and intensive service foster

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homes receive additional monthly compensation because they accept children with medical, behavioral and/or psychological problems or because they accept pregnant girls or young mothers who are in need of specialized training in parenting skills, child development, money management, and self sufficiency.

- 2) Emergency foster homes may be paid a flat rate for days of service provided or may receive retainer fees to assure that emergency beds are available 24 hours per day.

- 3) Department boarding homes are licensed foster family homes operated by foster parents supervised by the Department.

- 4) Private agency foster homes are licensed foster homes supervised by licensed child welfare agencies.

- 5) Relative boarding homes are those homes approved by the Department in which relatives, excluding parents, provide care for related children for whom the Department has legal responsibility. Relatives are licensed as foster family homes under the provisions of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes.

- 6) Deaf foster care is a unique service provided in Department boarding homes for children for whom the Department is not legally responsible who require placement for educational reasons.

- 7) Relative family care may be provided by a relative as defined in Section 359.2 living within the State of Illinois as follows:

- 1) If a relative does not wish to apply for licensure as a foster family home, or has submitted an application for licensure and the application is pending, or has applied for licensure and been denied, the relative may provide care to children for whom the Department is legally responsible as long as the relative family home continues to meet the conditions in Section 301.80 of 89 Ill. Adm. Code 301, Placement and Visitation services.

- 2) Relative caregivers who choose this option will be referred to the Department of Public Aid to apply for Aid to Families with Dependent Children (AFDC) for the related children placed with them and will have 90 days to complete the AFDC application and eligibility process.

- 3) The Department of Children and Family Services will provide supplemental payments for children for whom the Department is legally responsible to bring the total income for the related children placed with the relative caregiver to the child only standard of need established by the Illinois Department of Public Aid.

- 4) For placements made prior to July 1, 1995, if the relative caregiver fails to complete the AFDC application and eligibility determination process within 90 days after receipt of a notice to apply for AFDC, the relative will receive no payment from the Department. In such cases the continued suitability of the relative's home will be reassessed.

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- 3) For placement made on or after July 1, 1995, if the relative caregiver fails to complete the AFDC application and eligibility determination process within 90 days after placement of the related child, the relative will receive no payment from the Department. In such cases the continued suitability of the relative's home will be reassessed.
- 3) At a future date, if the relative complies with the requirement to apply for AFDC and complete the eligibility determination process, the Department will then provide the supplemental payments to bring the total income for the related children to the child only standard of need.
- 3) Relative family care may also be provided to relatives living out of the State of Illinois. If a relative living in another state is providing care for a child for whom the Department is legally responsible, the relative will receive the full foster care rate if the relative submits documentation to the Department by July 15, 1995 that they are licensed, approved or certified in accordance with the other state's standard for licensing, approving or certifying foster homes. If documentation is not postmarked by July 15, 1995, the Department will reduce the payment to the child only standard of need established for that number of children by the Illinois Department of Public Aid for Group II counties. If, at a future date, the relative submits documentation to the Department that they are licensed, approved or certified in accordance with the other state's standard for relative homes, the payment will be increased to the full foster care rate.
- 3d) Institution and group home care is provided in licensed institutions and group homes. Rates are established for these facilities via a purchase of service contract with the Department.
- 3e) Subsidized adoptive homes are adoptive homes to which the Department provides financial assistance when a special needs child for whom the Department was legally responsible is adopted.
- 1) Special service subsidy is special help given to handle an anticipated expense when no other resource is available. It may include:
- legal fees related to the consummation of the adoption;
 - medical costs, not covered by the adopting family's medical insurance or by the Division of Services--for--Orphaned Children Specialized Care for Children;
 - other special services, such as physical therapy, counseling, prosthesis, special education a child may require due to a physical or mental handicap.
- 2) Regular adoption assistance payments are monthly payments beyond the legal consummation of the adoption and may continue until the child reaches age 18 (for children adopted after the--effective date--of--this--Part November 30, 1981) unless the child has a mental or physical handicap. When other assistance is not available for a child adopted after the--effective--date--of--this

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- Part November 30, 1981 with a mental or physical handicap, adoption assistance may be provided to age 21.
- 3) The purpose, amount, and duration of the adoption assistance will be mutually agreed to by the Department and the adopting parents prior to completion of the adoption in the form of a written agreement. The amount of financial assistance shall be less than the cost of maintaining the child in an appropriate foster family home. Special service fees shall cost no more than such services would cost the Department.
- 4) The Department shall annually review with the adoptive parent(s) the continuing needs of the child for adoption assistance. There shall be an annual written reapplication for adoption assistance prior to the anniversary date of the finalization of the adoption.
- 4f) Related services are not substitute care services but are provided to enhance the care provided to children who require substitute care services.
- 1) In an effort to upgrade the quality of foster family care, the Department may pay for foster parent training and costs associated with training. These payments are provided as funding allowances.
- 2) Permanent planning and adoption contracts may be negotiated with licensed child welfare agencies. These contracts are negotiated to develop plans for children in substitute care and to secure adoptive resources for special needs children.

(Source: Amended at 19 Ill. Reg.

10464,

effective

JUL 1 1995

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Background Check of Foster Family Home Applicants

2) Code Citation: 89 Ill. Adm. Code 380

3) Section Numbers: Adopted Action:

380.1 Amend
380.2 Amend
380.3 Amend
380.4 Amend
380.5 Amend
380.6 Amend
380.7 Amend
380.8 Amend
380.9 Amend
380.10 Amend
380.12 Amend
380.13 Amend
380.14 Amend
380. Appendix A New Section

4) Statutory Authority: Child Care Act of 1969 (225 ILCS 10/4)

5) Effective Date of Rulemaking: July 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

3) Date Filed in Agency's Principal Office: July 1, 1995

2) Notice of Proposal Published in Illinois Register: March 24, 1995, 19 Ill. Reg. 3616

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: Minor editing changes were made in accordance with the recommendations from the Joint Committee on Administrative Rules and the Administrative Code Unit.

Additional changes were made in response to public comments and/or Department decisions:

Table of Contents - After "Applicants" add ", Foster Parents."

Section 380.1

Remove the strikethrough from "they might affect the applicant's ability

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to perform responsibly as a foster parent" and add the words "or as they might" immediately after. Remove the proposed added new word "involved" and replace with "indicated as a perpetrator".

Section 380.2

In the definition of "member of the household" insert "or" after "address,".

Section 380.3

In the added language, remove the words "are required to" and replace them with "and licensed foster parents, shall". Add the following to the end of the added sentence "and shall submit to fingerprinting when requested by the Department. Such authorizations shall be received within 15 calendar days after a request from the Department."

Section 380.4

In the title after "Applicants" add ", Foster Parents,". In the rule Section, after "license" add ", licensed foster parents (when requested by the Department),".

Section 380.5

In the last sentence, change "applicants" to "persons who authorize a criminal history check" and change "applicants" to "individual".

Section 380.6

(a) After "licensure" insert ", a licensed foster parent,".

Section 380.8

After "filed," add "the applicant may withdraw the application or". Replace the words "particular individual" with "foster family home".

Section 380.9

After "refuses to renew a foster family home licensed application," add ", based upon criminal history record information,".

Section 380.10

After "refusal to renew a license" add "based upon criminal history record information,".

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Section 380.12

After "applicant" add ", licensed foster parents,".

Section 380.Appendix A

After "applicant(s)" add ", licensed foster parents (when requested by the Department)". Change the ILCS cite to [720 ILCS 5] then add "The Cannabis Control Act [720 ILCS 550], and the Illinois Controlled Substances Act [720 ILCS 570]".

After "Reckless homicide of an unborn child" add "Drug induced homicide". Remove "Drug induced kidnapping".

After "Indecent solicitation of a child" add "Public indecency".

Change "Felony keeping a place of prostitution" to "Keeping a place of prostitution". Then add "Keeping a place of juvenile prostitution" and "Patronizing a prostitute".

Change "Felony pimping" to "Pimping". Change "Felony obscenity" to "Obscenity". Change "Felony harmful material" to "Harmful material". Then add "Tie-in sales of obscene publications to distributors."

Remove "or institutionalized mentally retard person". Change "Aggravated sexual assault" to "Aggravated criminal sexual assault". Change "Felony criminal sexual abuse" to "Criminal sexual abuse".

After "Robbery" add "Armed robbery".

After "Aggravated robbery" add "Vehicular hijacking".

After "Aggravated arson" add "Possession of explosives or explosive or incendiary devices".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The Child Care Act of 1969 requires criminal background checks of all applicants for licensure as a foster family home and gives the Department the authority to require, by rule, criminal background checks of other adult members of the household. In addition, the Child Care Act of 1969 requires that persons who have been convicted of committing or attempting to commit certain serious crimes may

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not be granted a foster parent license and allows the Department to establish standards for how to consider crimes not specifically identified in the Child Care Act.

Public Act 89-21 identified the crimes in Appendix A as sufficiently serious to prevent licensure as a foster family home.

Nearly one fourth of child abuse and neglect reports involve other members of the foster family's household, rather than the foster parents themselves. Therefore, the Department is proposing that criminal background investigations be completed for all adult members of the foster parent(s)' household and that a check of the State Central Register be completed for any member of the household age 13 or older. This will increase the safety of children placed in foster care and insure that the safety of the foster home has been thoroughly evaluated.

16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station #222
Springfield, IL 62701-1498
(217) 524-1983 or TTY: (217) 524-3715

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER d: LICENSING ADMINISTRATIONPART 380
BACKGROUND CHECK OF FOSTER FAMILY HOME APPLICANTS

- Section
- 380.1 Purpose
- 380.2 Definitions
- 380.3 Authorization for Criminal History Check
- 380.4 Fingerprinting of Applicants, Foster Parents, and Adult Members of the Household
- 380.5 Notice to Foster Family Home Applicant
- 380.6 Confidentiality of Information Received
- 380.7 Standard of Review Concerning Criminal History
- 380.8 Suspension of Application When Criminal Charges Are Pending
- 380.9 Denial of or Refusal to Renew a License
- 380.10 Applicant Appeal of Denial of or Refusal to Renew a License
- 380.11 Destruction of Criminal History Information
- 380.12 Return to Applicant Individual of Materials Provided
- 380.13 Applicant Request for Information Obtained
- 380.14 Check With State Central Register

APPENDIX A Criminal Convictions Which Prevent Licensure

AUTHORITY: Implementing and authorized by Section 4 of the Child Care Act of 1969 (225 ILCS 10/4).

SOURCE: Adopted and codified at 5 Ill. Reg. 5501, effective May 27, 1981; emergency amendment at 19 Ill. Reg. 4753, effective March 24, 1995, for a maximum of 150 days; emergency amendment modified in response to an objection by the Joint Committee on Administrative Rules at 19 Ill. Reg. 6719; amended at 19 Ill. Reg. 10473, effective JUL 1 1995.

Section 380.1 Purpose

The purpose of this Part rule is to detail the process that the Department uses to check foster family home applicants to determine if ~~the foster parent~~ any adult member of the household has a prior any criminal history. The primary focus of the criminal background check is to consider criminal charges as they might affect the applicant's ability to perform responsibly as a foster parent or as they might affect the foster children's safety in the home. In addition, the Department shall conduct checks of the State Central Register on all members of the household age 13 or over to determine whether they have been indicated as a perpetrator in a child abuse/neglect report.

(Source: Added at 19 Ill. Reg. 10473, effective

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Section 380.2 Definitions

"Adult" means any person who is eighteen (18) years of age or older.

"Foster family home applicant" means those individuals applying directly to the Department of Children and Family Services or through a licensed child welfare agency for a license to provide full-time care for children ~~ret-related to them~~.

~~"Foster parent(s)" means either a single person or a man and woman who are married to each other and who are licensed to operate a foster family home.~~

"Member of the household" means a person who resides in the household as evidenced by maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

(Source: Amended at 19 Ill. Reg. 10473, effective JUL 1 1995.)

Section 380.3 Authorization for Criminal History Check

Each applicant for a foster family home license, whether applying directly to the Department of Children and Family Services or through a licensed child welfare agency, shall provide written authorization for the Department to request and receive information about the applicant from the United States Department of Justice, the Illinois Department of Law Enforcement State Police, or other named law enforcement agency. In addition, other adult members of the applicant(s)' household and licensed foster parents shall authorize the Department to request and receive information about any criminal history background and shall submit to fingerprinting, when requested by the Department. Such authorizations shall be received within 15 days after a request from the Department.

(Source: Amended at 19 Ill. Reg. 10473, effective

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Section 380.4 Fingerprinting of Applicants, Foster Parents, and Adult Members of the Household

Each applicant for a foster family home license, licensed foster parents (when requested by the Department), and each adult member of the household shall submit to a fingerprinting process administered by the Department or its agent. Fingerprints shall be transmitted to the Illinois Department of Law Enforcement State Police or other law enforcement agency named by the Department of

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Children and Family Services on Department forms provided for the purpose of obtaining criminal history information about a foster parent applicant in accordance with the process outlined by the Department for obtaining background information on these persons.

(Source: Amended at 19 Ill. Reg. 10473, effective JUL 1 1995)

Section 380.5 Notice to Foster Family Home Applicant

Each applicant for foster home licensure shall be informed in writing of the Department's requirement that the applicant and each adult member of the household consent to a criminal history check and submit to fingerprinting procedures as part of the foster home licensing process. Persons who authorize a criminal history check applicants shall be informed of their right to recover the identity materials submitted and to receive a copy of all criminal history information about the individual obtained by the Department.

(Source: Amended at 19 Ill. Reg. 10473, effective JUL 1 1995)

Section 380.6 Confidentiality of Information Received

a) All information received by the Department of Children and Family Services from a law enforcement agency which concerns an applicant for foster family home licensure, a licensed foster parent, or any member of the household is confidential. It may be released only as authorized by this Part.

b) All information received pursuant to this Part shall be maintained in a single manual information system under the sole control of the Director of the Department of Children and Family Services or his designee.

c) All criminal history information shall be used solely for the purpose of evaluating an applicant's suitability as a foster parent. The suitability of the foster home and shall be accessible only to those Department of Children and Family Services employees directly involved in the foster home licensing process for the applicant or specifically designated by the Director of the Department to review criminal history information.

d) Any employee of the Department of Children and Family Services who gives or causes to be given in a manner not authorized by this Part any confidential information concerning any criminal charges and their disposition pertaining to a foster parent applicant shall be guilty of a Class A misdemeanor pursuant to Section 4 of the Child Care Act of 1969, amended 1977 (Ill. Rev. Stat., ch. 23, Sec. 22147-1225 ILCS 10/4).

(Source: Amended at 19 Ill. Reg. 10473, effective

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Section 380.7 Standard of Review Concerning Criminal History

a) In assessing the suitability of an applicant for foster parent licensure, the Department may consider prior criminal charges and their disposition (including convictions), criminal charges pending at the time of application, and criminal charges filed during review of the application.

b) When a criminal history has been discovered Department employees, designated by the Director of the Department, shall review the materials focusing on the relationship between the offense which was the basis for the conviction and the applicant's ability to perform responsibility as a foster parent. The following shall be considered:

- 1) the type of crime for which the individual was convicted;
- 2) the number of crimes for which the individual was convicted;
- 3) the nature of the offense;
- 4) the age of the individual at the time of the conviction;
- 5) the length of time that has elapsed since the last conviction;
- 6) the relationship of the crime and the ability to care for children;
- 7) evidence of rehabilitation; and
- 8) opinions of community members concerning the individual in question.

Persons with certain serious criminal convictions shall not receive a license to serve as a foster parent or be an adult member of the household of a foster family home. These serious crimes are listed in Appendix A of this Part.

(Source: Amended at 19 Ill. Reg. 10473, effective JUL 1 1995)

Section 380.8 Suspension of Application When Criminal Charges Are Pending

If criminal charges are pending against an applicant or adult member of the household when the application for foster family home licensure is filed, the applicant may withdraw the application or the application process for that foster family home applicant shall be suspended until some official disposition of the charges is submitted to the Department by appropriate officials.

(Source: Amended at 19 Ill. Reg. 10473, effective JUL 1 1995)

Section 380.9 Denial of or Refusal to Renew a License

If the Department decides to deny a foster family home license applications or refuses to renew a foster family home license application based upon criminal

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history record information, the applicant shall be notified in writing. The notice shall include the specific reasons for the decision, along with a notice of the applicant's right to appeal the decision.

Source: Amended at 19 Ill. Reg. 10473, effective JUL 1 1995.

Section 380.10 Applicant Appeal of Denial of or Refusal to Renew a License

Within 10 days after the applicant's receipt of a denial or refusal to renew a license based upon criminal history record information, the applicant may request, in writing, review of the decision by the Director of the Department of Children and Family Services or his designee. A request for the Director's review shall be based on the applicant's challenge to the reasonableness of the decision. If the applicant fails to request an appeal within this ten day period, the denial or refusal to renew a license shall be a final administrative ruling. Final administrative rulings are subject only to administrative review in Circuit Court, pursuant to the Administrative Review Act. 1735 ILCS 5 Art. III

Source: Amended at 19 Ill. Reg. 10473, effective JUL 1 1995.

Section 380.12 Return to Applicant Individual of Materials Provided

After the Criminal history check has been completed, all identity materials obtained from the applicant, licensed foster parents, or any adult member of the household by the Department of Children and Family Services, or its agent, shall be returned in its original form to the applicant upon written request to the Department of Children and Family Services. No copies of the identity materials shall be made or retained by the Department of Children and Family Services or by any agency to which such identity materials were transmitted.

Source: Amended at 19 Ill. Reg. 10473, effective JUL 1 1995.

Section 380.13 Applicant Request for Information Obtained

All information obtained from the criminal history check, including the source of the information, and any conclusions or recommendations derived from this information by the Department of Children and Family Services, shall be provided to the applicant individual, or his designee, upon written request to the Director of the Department, prior to any final action on the application by the Department of Children and Family Services.

(Source: Amended at 19 Ill. Reg. 10473, effective JUL 1 1995.)

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Section 380.14 Check With State Central Register

a) Applicants shall be informed that the Department's State Central Register of child abuse and neglect will be queried concerning indicated child abuse or neglect reports concerning them and any member of the household 13 years of age and older.

b) When an indicated report is discovered Department employees designated by the Director of the Department shall assess the information in accordance with the criteria established in 89 Ill. Adm. Code 385.

Background Checks. ~~Waterfalls focusing on the relationship between the cause of neglect and the applicant's ability to perform responsibly as a foster parent. The following shall be considered:~~

++ the type of indicated abuse and neglect
++ the age of the individual at the time of the report
++ the length of time the case has elapsed since the most recent indicated report

++ the relationship of the report and the ability to care for children and

++ evidence of successful parenting

++ An applicant may be notified in writing of the Department's decision to deny a foster family home license based on an indicated cause of neglect. ~~Waterfalls focusing on the relationship between the cause of neglect and the applicant's ability to perform responsibly as a foster parent. The following shall be considered:~~

++ the type of indicated abuse and neglect
++ the age of the individual at the time of the report
++ the length of time the case has elapsed since the most recent indicated report

++ the relationship of the report and the ability to care for children and

(Source: Amended at 19 Ill. Reg. 10473, effective JUL 1 1995.)

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Section 380 APPENDIX A Criminal Convictions Which Prevent Licensure

if the foster parent applicant(s), licensed foster parents (when requested by the Department), or any adult member of the household has been convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 (720 ILCS 5), the Cannabis Control Act (720 ILCS 550), and the Illinois Controlled Substances Act (720 ILCS 570) or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a foster home license or permit.

OFFENSES DIRECTED AGAINST THE PERSONHOMICIDE

Murder
Solicitation of murder
Solicitation of murder for hire
Intentional homicide of an unborn child
Voluntary manslaughter of an unborn child
Involuntary manslaughter
Reckless homicide
Concealment of a homicidal death
Involuntary manslaughter of an unborn child
Reckless homicide of an unborn child
Drug induced homicide

KIDNAPPING AND RELATED OFFENSES

Kidnapping
Aggravated kidnapping
Unlawful restraint
Aggravated unlawful restraint
Forcible detention
Child abduction
Aiding and abetting child abduction

SEX OFFENSES

Indecent solicitation of a child
Public indecency
Exploitation of a child
Sexual exploitation of a child
Sexual relations within families
Prostitution
Soliciting for a prostitute
Soliciting for a juvenile prostitute

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Pandering
Keeping a place of prostitution
Keeping a place of juvenile prostitution
Patronizing a prostitute
Patronizing a juvenile prostitute
Pimping
Juvenile pimping
Obscenity
Child pornography
Harmful material
Tie-in sales of obscene publications to distributors

BODILY HARM

Felony aggravated assault
Vehicular endangerment
Felony domestic battery
Aggravated battery
Reinous battery
Aggravated battery with a firearm
Aggravated battery of a child
Aggravated battery of an unborn child
Tampering with food, drugs, or cosmetics
Aggravated battery of a senior citizen
Drug induced infliction of great bodily harm
Intimidation
Compelling organization membership of persons
Rape crime

Stalking

Aggravated stalking
Threatening public officials
Home invasion
Vehicular invasion
Criminal sexual assault
Aggravated criminal sexual assault
Criminal sexual abuse
Aggravated sexual abuse
Criminal transmission of HIV
Abuse and gross neglect of a long term care facility resident
Criminal neglect of an elderly or disabled person
Child abandonment
Endangering the life or health of a child
Felony violation of an order of protection
Ritual mutilation
Ritualized abuse of a child

OFFENSES DIRECTED AGAINST PROPERTY

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Felony theft
Robbery
Armed robbery
Aggravated robbery
Vehicular hijacking
Aggravated vehicular hijacking
Burglary
Possession of burglary tools
Residential burglary
Criminal fortification of a residence or building
Arson
Aggravated arson
Possession of explosives or explosive or incendiary devices

OFFENSES AFFECTING PUBLIC HEALTH, SAFETY AND DECENCY

Felony unlawful use of weapons
Aggravated discharge of a firearm
Reckless discharge of a firearm
Unlawful use of metal piercing bullets
Unlawful sale or delivery of firearms on the premises of any school
Disarming a police officer
Obstructing justice
Concealing or aiding a fugitive
Armed violence
Felony contributing to the criminal delinquency of a juvenile

DRUG OFFENSES

Possession of more than thirty grams of cannabis
Manufacture of more than 10 grams of cannabis
Cannabis trafficking
Delivery of cannabis on school grounds
Unauthorized production of more than five cannabis sativa plants
Calculated criminal cannabis conspiracy
Unauthorized manufacture or delivery of controlled substances
Controlled substance trafficking
Manufacture, distribution, advertisement of look-alike substances
Calculated criminal drug conspiracy
Permitting unlawful use of a building
Delivery of controlled, counterfeit or look-alike substances to persons under age 18, or at truck stops, rest stops, safety rest areas, or on school property
Using, engaging, or employing persons under 18 to deliver controlled, counterfeit or look-alike substances
Delivery of controlled substances
Sale or delivery of drug paraphernalia

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Felony possession, sale or exchange of instruments adapted for use of controlled substance or cannabis by subcutaneous injection

(Source: Added at 19 Ill. Reg. **10473**, effective **JUL 1 1995**)

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- 1) Heading of the Part: Client Service Planning
- 2) Code Citation: 89 Ill. Adm. Code 305
- 3) Section Numbers: Adopted Action:
 305.20 Amend
 305.30 Amend
 305.40 Amend
- 4) Statutory Authority: The Children and Family Services Act (20 ILCS 505/4).
- 5) Effective Date of Rulemaking: July 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 1, 1995
- 9) Notice of Proposal Published in Illinois Register: March 24, 1995, 19 Ill. Reg. 3619
- 10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: Minor editing changes were made in accordance with the recommendations from the Joint Committee on Administrative Rules and the Administrative Code Unit; additional changes were made in response to public comments and Department decisions.

Section 305.20 Definitions

Deleted the proposed definition of "Biological father" and replaced with the following definition:

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity was adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Minimum parenting standards", removed the strikeouts from the words "and education required by law." and deleted the "period" at the end of the

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sentence and added "who is willing and capable of assuming responsibility for the child."

"Parents", changed the last sentence to read: "Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section."

Added the definition of "Private Guardianship":

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 (705 ILCS 405 1/1-3) or Article XI of the Probate Act of 1975 (755 ILCS 5/Art. XI).

"Relative caregiver", deleted the proposed definition and replaced it with the following:

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its siblings are placed together with that person. (20 ILCS 505/7(b))

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(c), added the phrase "be based on the relative caregiver's licensing status" immediately after the word shall; struckout the statement "equal the foster care rate in effect when authority for the child's care was delegated to the relative," and deleted the proposed word "payment" from the language.

(d), added "continues to meet the conditions for" immediately after proposed words "or who" and deleted proposed language "has met the preconditions" from the sentence.

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- (2) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes
- (3) Will this rulemaking replace an emergency rule currently in effect? No
- (4) Are there any amendments pending on this Part? No

(5) Summary and Purpose of Rulemaking: These changes are necessary in order to make Part 305 consistent with other Department rules regarding home of relative care. When children are living apart from their parents but with other related caregivers, they will no longer be considered as neglected for that reason alone. The Department may work to maintain the child with the relative caregiver.

(6) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station #222
Springfield, IL 62701-1498
217) 524-1983 or TDD: (217) 524-3715

The full text of the Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 305

CLIENT SERVICE PLANNING

Section	Purpose
305.10	Definitions
305.20	Introduction to Client Service Planning
305.30	Types of Permanency Goals and Alternative Permanency Options
305.40	Service Plan
305.50	Case Review System
305.60	Roles and Responsibilities of the Administrative Case Reviewer
305.70	Decision Review
305.80	Parent-Child Visitation (Recodified)
305.90	Evaluating Whether Children in Placement Should Be Returned Home
305.100	Termination of Parental Rights
305.110	Planning for the Termination of Services
305.120	The Department's Role in the Juvenile Court
305.130	Compliance With the Client Service Planning Requirements
305.140	

AUTHORITY: Implementing and authorized by the Children and Family Services Act (20 ILCS 505), the Abused and Neglected Child Reporting Act (325 ILCS 5), the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 U.S.C.A. 670 et seq.), the Juvenile Court Act (705 ILCS 405), and the Adoption Act (750 ILCS 50).

SOURCE: Adopted and codified at 5 Ill. Reg. 14456, effective December 29, 1981; amended at 8 Ill. Reg. 21570, effective November 1, 1984; amended at 9 Ill. Reg. 7920, effective May 31, 1985; recodified at 16 Ill. Reg. 12772; amended at 16 Ill. Reg. 16552, effective October 19, 1992; amended at 18 Ill. Reg. 17200, effective December 1, 1994; amended at 19 Ill. Reg. 7171, effective June 1, 1995; Section 305.90 recodified to 89 Ill. Adm. Code 301.210 at 19 Ill. Reg. ; amended at 19 Ill. Reg. **10487**, effective

~~JUL 1 1995~~

Section 305.20 Definitions

"Abandonment" means parental conduct which demonstrates the purpose of relinquishing all parental rights and claims to the child.

"Administrative case review" means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subjects of the review.

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"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) have signed an adoptive surrender or voluntary placement agreement with the Department.

"Delegated relative authority" means the Department has selected a relative caregiver, in accordance with Section 305.40(d), as a continuous, stable living arrangement for related children and has delegated day to day decision making on behalf of those children to the relative caregiver. The Department would retain guardianship of the children and continue to exercise authority over all major decisions which affect their lives and health.

~~"Department--client"--means-a-child-or-a-family-who-is-receiving-child welfare-services-either-directly-from-the-Department-or-through-a purchase-of-service-provider~~

~~"Dissection"--means--parental--conduct--which-evidences-an-intention-to permanently-terminate-custody-of-a-child-but-not--to--testify--at parental-right-claims-and-responsibilities-~~

"Discharge planning" means service planning which focuses on providing a smooth transition from Department guardianship or custody and the receipt of child welfare services to discharge from guardianship or custody and the termination of child welfare services.

"Family" means one or more adults and children, related by blood, marriage or adoption and residing in the same household.

"Individual treatment plan (ITP)" or "treatment plan" as defined in 59 Ill. Adm. Code 132, Medicaid Community Mental Health Services, means a written document developed by the appropriate service provider staff with the participation of the client with a mental illness and, if applicable, the client's guardian, which specifies the client's diagnosis, problems, and service needs to be addressed, the intermediate objectives and long-term goals for the services, and planned interventions for achieving these goals.

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"Individualized Education Plan/Program (IEP)" means the document prepared by the local school district, as a result of a Multidisciplinary Conference, that identifies the specific special education services that will be provided to the child. The IEP also includes education goals, services, frequency, quantity and duration. IEP is further defined in 23 Ill. Adm. Code 226, Special Education.

"Individualized Family Service Plan (IFSP)" means a written working document developed for each child in order to facilitate the provisions of Early Intervention (EI) services. The IFSP is created by the family, an inter-disciplinary team, the core EI agency, and the case manager (service coordinator). The EI agency is responsible for coordinating the IFSP implementation.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from severe physical, mental and emotional harm, and provided with necessary medical care and education required by law. A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate a reasonable degree of interest, concern, or responsibility as to the welfare of a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards, unless the parent has arranged for the child's care in the home of a relative who is willing and capable of assuming responsibility for the child. In addition, a parent who is addicted to alcohol or who is a drug addict, as defined in the Illinois Alcoholism and Other Drug Dependency Act (20 ILCS 305) and who has consistently failed to cooperate in a rehabilitation program for a period of at least twelve months is deemed to have failed to have met the minimum parenting standards unless the parent has arranged for the child's safety and well-being ~~have--been--ensured~~ despite the parent's addiction.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Putative-Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section. acknowledged-in-writing-or adjudicated-in-court-

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanency option" means a placement which provides a continuous,

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stable living arrangement for the child, but does not necessarily provide a permanent living arrangement or a permanent legal status for the child. Permanency options may serve as steps to the ultimate achievement of a permanency goal.

"Permanent family placement" means placement in a foster family home or a relative home which is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child, or the foster parent or relative may take guardianship of the child.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or by a court of law.

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/Art. XI].

"Rehabilitative services plan." A written plan developed in accordance with 59 Ill. Adm. Code 132.155, Medicaid Community Mental Health Services, which includes identification of the problems to be addressed, the rehabilitative services to be provided and the outcomes to be achieved for eligible clients served by the Department pursuant to the Abused and Neglected Child Reporting Act, the Children and Family Services Act or the Juvenile Court Act of 1987.

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its siblings are placed together with that person. (20 ILCS 505/7(b))

"Service plan" means a written plan on a form prescribed by the Department which guides all participants in the plan toward the permanency goals for the children.

"Substitute care" means the care of children who require placement

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away from their families. Substitute care includes foster family care, care provided in a ~~an~~-approved relative home placement as defined in 99 Ill. Adm. Code 301. Placement and Visitation Services, Section 301.80, care provided in a group home, and care provided in a child care or other institution.

"Termination of parental rights" means a court order which relieves the legal parents of parental responsibility for the child and revokes all legal rights with respect to the child. The termination order also frees the child from all obligations of maintenance and coedience with respect to the legal parents.

(Source: Amended at 19 Ill. Reg. 10487, effective JUL 1 1995)

Section 305.30 Introduction to Client Service Planning

a) Principles of Client Service Planning

- 1) Client service planning is an on-going process that must begin with an assessment of client need in relation to Department service mandates and must include periodic reassessment of such needs in light of the services provided, the permanency goal or an alternative permanency option, and the progress toward achieving the goal or option.
- 2) Case planning must ensure accountability on the part of clients, the Department and other service providers through written documentation of expectations and obligations. This documentation should include:
 - A) a desired permanent living arrangement for each child served that is recorded in the service plan as a permanency goal or permanency option;
 - 3) identification of problems that must be resolved to achieve this status, including, when applicable, achievement of minimum parenting standards;
 - C) identification of measurable changes or outcomes that will signify problem resolution;
 - D) identification of what the Department and other service providers will provide toward achieving the desired permanent living arrangement;
 - E) identification of applicable timeframes; and
 - F) identification of any consequences to the client if the timeframes are not met.
- 3) Although the Department maintains ultimate responsibility for the service plan, case planning must be an inclusive process in which all of the participants in a case (parents, children, service providers) are given the opportunity to have input.
- 4) Case planning activities, including development of the service plan and case review, reflect and must be consistent with federal

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- 2) Adoption;
 - 4) Permanent Family Placement
 - A) with an unrelated foster family;
 - B) with relatives;
 - 5) Independence;
 - 6) Long Term Care in a Residential Facility; and
 - 7) Substitute Care Pending Court Decision Regarding Termination of Parental Rights.
- 3) When selecting a permanency goal, the Department shall use the criteria in this Section.
- 1) Remaining at Home

Remaining home with their parents or private guardian is the preferred goal when the child's safety and well-being are not clearly endangered if allowed to remain at home. This permanency goal is consistent with the Department's service goal of family preservation. It emphasizes the importance of keeping families together and also stresses that the family is primarily responsible for caring for the child. In addition, this permanency goal is usually the least disruptive to family life.

2) Returning Home

A) Returning children to their parent's parent(s)' or private guardian(s)' homes is the preferred goal for children who have been placed in substitute care away from their parents. This permanency goal is consistent with the Department's service goal of family reunification. It reinforces the family's responsibility to care for their children and maintain the family relationship. Furthermore, this permanency goal is usually the least traumatic alternative for both the families and children.

3) Returning home should be established as the permanency goal:

- i) when the parents appear to have the capability to attain the minimum parenting standards with the aid of family reunification services; and
- ii) when the parents are cooperative with the Department and its purchase of service providers, if any, and want to resolve the problems.

B) Returning home should be continued as the permanency goal as long as the parents are substantially complying with the requirements of the service plan and are progressing satisfactorily toward the permanency goal.

3) Adoption

Adoption is the preferred permanency goal when parental rights have been terminated on a child. This permanency goal is to be established only:

- A) after both parents have signed adoptive surrenders; or
- B) after a court has terminated the parental rights of both parents and has designated the Department as guardian with the power to consent to the child's adoption; or

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- C) after one parent has signed an adoptive surrender and parental rights have been terminated on the remaining parent through court action; or
- D) when one parent has signed an adoptive surrender and the identity and/or the whereabouts of the remaining parent is unknown, and the Department expects the parental rights of the remaining parent to be terminated through court action; and
- E) the child, if 14 years of age or over, consents to the adoption.

4) Permanent Family Placement

A) Although a permanent family placement is more desirable than a series of short-term placements, it is not a preferred permanency goal for the child. Without the legal safeguards offered by a permanent legal guardian, a permanent family placement may fail to provide the child with a sense of belonging and permanency. A permanent family placement is the permanency goal only:

- i) when to return the child home is not consistent with ensuring the child's safety and well-being; and
- ii) when the child, if 14 years of age or older, clearly does not want to be adopted or the child, if under age 14, has been provided counseling to help him accept another family, but continues to be unable to accept another family; or
- iii) the child is otherwise deemed unadoptable.

B) The Department shall strive to assure continuity of care, a sense of permanency, and emotional support for the child by establishing the child's permanent caregiver as the legal guardian of the child. However, taking legal guardianship is not required for the placement to be considered permanent.

C) When weighing the advantages of a permanent family placement with relatives against the advantages of a permanent family placement with an unrelated foster family, the quality of the relationship between the relatives, the child, the child's parents, and the child's foster parents, if any, shall be a factor. In addition, other factors shall be the likelihood of establishing a permanent legal relationship between the child and the relative as compared to the likelihood of establishing a permanent legal relationship between the child and the unrelated foster parents.

5) Independence

Independence may be a goal for adolescents 16 years of age or older who have demonstrated the ability to care for themselves, who do not wish to be adopted, who are becoming economically self-sufficient, or who are establishing a family of their own. When the child becomes 18, the child must cooperate according to

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his service plan. If the child 18 years of age or over does not cooperate, the Department may seek to terminate services and seek to end its legal relationship with the child.

6) Long-Term Care in a Residential Facility

A) A very small percentage of children served by the Department are determined severely physically, mentally, or emotionally handicapped by a physician, psychiatrist, or other professional qualified by education or experience to make this judgment. These children require long term care, usually in an intermediate or skilled nursing facility, or in a child care institution. They are expected to continue to need this care in the foreseeable future. For these children, long-term care in a residential facility is the permanency goal.

B) These severely physically, mentally, or emotionally handicapped children who require long-term care should not be confused with children who are in group homes or institutions in order to receive intensive, short-term treatment directed toward correcting problems which significantly interfere with life outside the institution. Long-term care in a residential facility is not an appropriate permanency goal for children who are receiving short-term, intensive services in a group home or institution.

7) Substitute Care Pending Court Decision Regarding Termination of Parental Rights

A) Substitute care pending court decision regarding termination of parental rights is the preferred permanency goal when a decision has been made to pursue termination of parental rights. This goal is to be established only when:

- i) Efforts to reunite the child and biological or legal family have been unsuccessful as documented in the case record; or
- ii) The evaluations of at least two professionals must find the parent(s) have a chronic incapacity which will not respond to rehabilitation and which makes it clearly improbable that the parents will attain minimum parenting standards. These professionals must be qualified by their education or experience in the fields of psychiatry, psychology, social work, developmental disabilities, chemical dependency, or other specialized areas of knowledge relevant to the pending issue. These evaluations shall weigh whether the parents can attain the minimum parenting standards (established by the Department) after considering the public, private and extended family resources which can assist the parents with caring for the children; and

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iii) The child, if 14 years of age or older, is in agreement with the plan to pursue termination of parental rights; and

iv) Department legal staff determine if there is sufficient evidence to pursue termination of parental rights in accordance with Section 1(D) of the Adoption Act (750 ILCS 50/1(D)).

B) This goal shall continue as the permanency goal until such time as the court has granted or denied termination of parental rights, or until such time as a degree of progress is noted in the parent(s) situation which would require an evaluation of, and possible change in the established permanency goal pursuant to Sections 305.50 and 305.60.

C) If the court grants termination of parental rights, this goal shall be changed to adoption. If the termination of parental rights petition is denied, another permanency goal shall be selected.

c) Permanency Options

In addition to the permanency goals identified in subsection (b) above, the Department also recognizes delegated relative authority as an alternative permanency option which does not provide the legal status of a permanency goal, but does allow the child to be placed in a stable, continuous living arrangement. When delegated relative authority is selected as a permanency option, the relative caregiver shall continue to receive payments for the care of the child which shall be based on the relative caregiver's licensing status ~~equal to the foster-care rate in effect when authority for the child's care was delegated to the relative~~. Administrative case reviews shall continue to be conducted at least every six months, permanency review hearings shall continue to be held as required by law, and parent/child visits shall continue, as appropriate. The Department retains guardianship of the child and the authority to make all major medical consents and other major decisions which affect the related children's lives and health.

d) Delegated relative authority may be selected as a permanency option for the following types of cases:

- i) the children have been living with a ~~related~~ relative caregiver who has been ~~approved under 09-111r-Adm-Code-335-Relative-Home Placement--or~~ licensed under 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, or who continues to meet the conditions for placement prescribed in 89 Ill. Adm. Code 301.1, Placement and Visitation Services, Section 301.1.80, Relative Home Placement, and the children have remained with the ~~related~~ relative caregiver for a minimum of one year immediately prior to establishing delegated relative authority;
- 2) the children ~~have been~~ are in the guardianship of the Department ~~for at least six months~~ immediately prior to establishing delegated relative authority;

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- 3) the children do not have extraordinary medical, mental health, or educational needs which require targeted--case--management additional casework services;
- 4) the relative caregivers have demonstrated the willingness and ability to protect the children from persons who may harm them;
- 5) the relative caregivers have demonstrated the willingness and ability to appropriately control and supervise visits and contacts between the children and their biological or legal parents, in accordance with the service plan developed by the Department;
- 6) the relative caregivers have a safe and stable home environment which poses no danger to the related children;
- 7) the Department has documented that reunification with the biological or legal parents within a one year period is highly unlikely for reasons such as:
- A) long-term parental incarceration; or
 - B) chronic and serious mental illness; or
 - C) serious physical or mental incapacity; or
 - D) addiction to drugs or alcohol which is not responding successfully to treatment; or
 - E) other significant barriers to returning the children home within one year;
- 8) adoption (unless adoption by the relative caregiver is pending) or private guardianship as a permanency goal has been determined to be not in the best interests of the related children; or
- 9) other circumstances as the Department may determine to be appropriate.

(Source: Amended at 19 Ill. Reg. **10487**, effective

JUL 1 1995)

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- 1) Heading of the Part: Relative Home Placement

- 2) Code Citation: 89 Ill. Adm. Code 335

- 3) Section Numbers: Adopted Action:

335.100 Amend
 335.102 Repeal
 335.200 Repeal
 335.202 Repeal
 335.204 Repeal
 335.206 Repeal
 335.208 Repeal
 335.300 Repeal
 335.302 Repeal
 335.304 Repeal
 335.306 Repeal
 335.310 Repeal
 335.312 Repeal
 335.314 Repeal
 335.316 Repeal
 335.318 Repeal
 335.320 Repeal
 335.322 Repeal
 335.324 Repeal
 335.326 Repeal
 335.328 Repeal
 335.330 Repeal
 335.332 Repeal
 335.334 Repeal
 335.336 Repeal
 335.338 Repeal
 335.340 Repeal

- 4) Statutory Authority: Section 5 of the Children and Family Services Act [20 ILCS 505/5] as amended by Public Act 89-21, effective June 6, 1995.

- 5) Effective Date of Rulemaking: July 1, 1995

- 6) Does this rulemaking contain an automatic repeal date? Yes

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: July 1, 1995

- 9) Notice of Proposal Published in Illinois Register: March 24, 1995, 19 Ill. Reg. 3666

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10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: The proposed repealer of Section 335.100 was withdrawn and replaced by the following:

a) Relative caregivers who, as of July 1, 1995, were approved pursuant to approved relative placement rules previously promulgated by the Department of Children and Family Services at 89 Ill. Adm. Code 335 and had submitted an application for licensure as a foster family home continue to be approved and may continue to receive foster care payments only until the Department determines that they may be licensed as a foster family home or that their application for licensure is denied or until September 30, 1995, whichever occurs first. (20 ILCS 505/5(u-5))

b) This Section is automatically repealed after all administrative appeals on this matter have been exhausted, but in no event later than January 1, 1996.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Public Act 89-21 amended the Children and Family Services Act to require that foster care payments only may be made to homes which are licensed as foster family homes under 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes. Relatives who are not licensed as a foster family home and who are providing care for unrelated children will receive payments equivalent to the Department of Public Aid's child only standard of need.

If a relative caregiver who had been approved under the requirements of 89 Ill. Adm. Code 335, Relative Home Placement, submits an application for licensure as a foster family home postmarked no later than June 30, 1995, the relative will continue to receive foster care payments until the Department determines that they may be licensed as a foster family home, until their application for licensure as a foster family home is denied, or until September 30, 1995, whichever occurs first.

Relative caregivers whose payments are to be reduced effective July 1, 1995, because the Department has determined that they do not meet the criteria for continued foster care payments under Public Act 89-21, have a limited right to appeal the Department's determination that they are not entitled to these payments. New Section 335.103, Appeal Rights outlines the relative's right to appeal and the hearing process.

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16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham
Chief, Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station #222
Springfield, IL 62701-1498
(217) 524-1983 or TDD: (217) 524-3715

The full text of the Adopted Amendment begins on the next page:

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SOURCE: Adopted at 10 Ill. Reg. 4513, effective April 1, 1986; amended at 16 Ill. Reg. 7633, effective April 30, 1992; amended at 17 Ill. Reg. 13420, effective July 31, 1993; amended at 18 Ill. Reg. 7744, effective September 1, 1994; emergency amendment at 18 Ill. Reg. 14436, effective August 31, 1994, for a maximum of 150 days; emergency expired January 30, 1995; amended at 19 Ill. Reg. 6204, effective April 12, 1995; amended at 19 Ill. Reg. **10502**, effective **JUL 1 1995**.

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT
PART 335
RELATIVE HOME PLACEMENT

SUBPART A: GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section 335.100 Purpose

Section 335.100 Purpose
Definitions (Repealed)

SUBPART B: PLACEMENT

SUBPART B: PLACEMENT

a) Relative caregivers who, as of July 1, 1995, were approved pursuant to approved relative placement rules previously promulgated by the Department of Children and Family Services at 89 Ill. Adm. Code 335 and had submitted an application for licensure as a foster family home continue to be approved and may continue to receive foster care payments only until the Department determines that they may be licensed as a foster family home or that their application for licensure is denied or until September 30, 1995, whichever occurs first. [20 ILCS 505/5(U-5)]

Identification and Selection of Relative Placements (Repealed)
Placement Pre-conditions (Repealed)
Continuation of Placement (Repealed)
Required Notices and Information (Repealed)
Payment Provisions (Repealed)

b) This Section is automatically repealed after all administrative appeals on this matter have been exhausted, but in no event later than January 1, 1996.

SUBPART C: APPROVAL STANDARDS FOR RELATIVE FAMILY HOMES

The purpose of this Part is to specify that related caregivers of children for whom the Department of Children and Family Services is legally responsible must meet the standards prescribed by this Part, which are prescribed to ensure the safety, health, and welfare of related children.

Provisions Pertaining To Approval (Repealed)
Safety Requirements for the Relative Family Home (Repealed)
Requirements For Sleeping Arrangements (Repealed)
Nutrition and Meals (Repealed)

(Source: Amended at 19 Ill. Reg. **10502**, effective **JUL 1 1995**)

Business and Employment of Relative Foster Parents (Repealed)
Qualifications of Relative Family Home (Repealed)
Background Inquiry (Repealed)
Health of Relative Family (Repealed)
Number of Children Served (Repealed)
Meeting Basic Needs of Related Children (Repealed)
Health Care of Related Children (Repealed)
Religion (Repealed)
Education (Repealed)
Discipline of Related Children (Repealed)
Emergency Care of Related Children (Repealed)
Release of Children (Repealed)
Confidentiality of Information (Repealed)
Required Written Consents (Repealed)
Records To Be Maintained (Repealed)
Cooperation with the Supervising Agency and the Department (Repealed)
Severability of This Part (Repealed)

Section 335.102 Definitions (Repealed)

"Approval" or "approved" means that a relative family home where the caregiver is related to the child in a care has met the standards prescribed by this Part. A relative home is approved on the effective date entered on the approval recommendation. Such standards are substantiated the same with regard to the safety, health, and welfare of children as those promulgated for licensure of unrelated foster family homes pursuant to the Child Care Act of 1969 (Ill. Rev. Stat. 1991 Ch. 23, Sec. 2-2.1(e)-(g)) (23-1565-191) and codified at 89 Ill. Adm. Code 4027 Licensing Standards for Foster Family Homes.

"Biological" or "putative father" means a man who has acknowledged his paternity via a notarized written statement or whose paternity is adjudicated in court. When paternity has been acknowledged or adjudicated, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

APPENDIX A Crimes Identified in Section 4.2 of the Child Care Act of 1969

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5].

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- b) The Department shall provide a notice to specified relatives which explains that they may seek a waiver of any approval standards which they have failed to meet except the standards in Sections 335-302, 335-310(f) and (b) and 335-312 and the Department shall grant waivers of those standards unless the granting of a waiver would:
- 1) endanger the health, safety or welfare of the related child; or
 - 2) result in a placement for which the federal government refuses to provide funding to the Department; or
 - 3) pose an obstacle to achieving permanency for the related child.
- c) If the Department concludes that a relative home cannot be approved or a waiver has been requested and denied, the Department shall send a written notice to the relative caregiver, the child's parent or guardian, the child if over age 7, and the child's attorney and parents, if applicable, which explains that the relative caregiver's home has not met the approval standards for a relative home and that the child will be placed in another home. The notice shall meet the requirements of 99 Ill. Adm. 337, Service Appeals Process, and shall advise the relative that an appeal regarding the move of related children to another placement will be permitted.

(Source: Repealed at 19 Ill. Reg. 10502, effectiveJUL 1 1995)

SUBPART C: APPROVAL STANDARDS FOR RELATIVE FAMILY HOMES

Section 335.300 Provisions Pertaining to Approval (Repealed)

- a) Approval of a relative family home shall be valid for four years unless one of the following occurs:
- The related caregiver's substantially violates the requirements of this Part as to endangering the health, safety or welfare of the children or an adult member of the household is charged with a crime convicted of one of the crimes listed in Appendix A of this Part or is indicated as the perpetrator in a child abuse/neglect report which resulted in serious harm to a child. Refusal to cooperate with the supervising agency is a factor taken into consideration in determining whether the violation is substantial.
- b) The related caregiver shall notify the supervising agency within thirty (30) days of a change of address or a change in the composition of the household. Whenever the related family home moves to another address there is a change in the composition of the household a member of the household has been charged with or convicted of one of the crimes listed in Appendix A or is indicated as a perpetrator of child abuse/neglect which resulted in serious harm to a child, the home shall be submitted for re-evaluation. If the perpetrator of the crime or the child abuse/neglect continues to have access to child access to the perpetrator or the children shall be limited by a protective plan while the re-evaluation is being completed by the

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- c) The supervising agency shall minimally conduct an annual monitoring visit with the relative family home to insure continuing compliance with the requirements of this Part.
- d) Ninety days prior to the expiration date of the most recent approval the home shall be submitted for re-evaluation.
- e) The child(ren) shall remain in the home during the re-evaluation provided the requirements of Section 335.200 continue to be met.

(Source: Repealed at 19 Ill. Reg. 10502, effectiveJUL 1 1995)

Section 335.302 Safety Requirements for the Relative Family Home (Repealed)

- a) The home shall be clean, well-ventilated, free from observable hazards, properly heated and cooled, and free of fire hazards.
- b) The water supply for the home shall comply with requirements of the local and state health department. If well water is used, a copy of the Inspection Report and Compliance with Regulations shall be on file with the supervising agency.
- c) Portable space heaters may be used as a supplementary source of heat if they meet safety approval standards. (The wires, labels, and are used in accordance with local and state building and fire codes.) Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas occupied by children shall be separated by fire resistant partitions or barriers to prevent contact with the heater.
- d) Prescription and non-prescription drugs dangerous to household supplies, tools, weapons, guns, and ammunition shall be kept in a safe place. Household guns shall not be kept in the home unless reported by law enforcement officials and maintained and stored in accordance with their safety procedures.
- e) Health, household pets which present no danger to children are permitted. Household pets must be announced in accordance with local requirements. There shall be careful supervision of confined who are permitted to come for and handle animals.
- f) The home shall have access to a telephone in case of an emergency. In cases where the only telephone is a pay phone, the owner shall have a medical attention, the related family shall have immediate access to a telephone.
- g) The home shall be equipped with a minimum of one operable smoke detector on every floor level, including attic and basement.
- h) The home shall have fire and emergency evacuation plans which shall be discussed and routinely rehearsed with the staff and staff.
- i) None of the standards in this Section may be waived under any circumstances.

(Source: Repealed at 19 Ill. Reg. 10502, effectiveJUL 1 1995)

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Section 335.304 Requirements For Sleeping Arrangements (Repealed)

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(Source: Repealed at 19 Ill. Reg. 10502, effective
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Section 335.306 Nutrition and Meals (Repealed)

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(Source: Repealed at 19 Ill. Reg. 10502, effective 1-1-400F)

Section 335.310 Qualifications of Relative Family Home (Repealed)

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(Source: Repealed at 19 Ill. Reg. **10502**, effective JUL 1 1995)

Section 335.312 Background Inquiry (Repealed)

- a) As a condition of approval by the Department, the related caregivers and each adult member of the household shall furnish information of any offenses (other than minor traffic violations) for which they have been charged. The Department shall make a determination concerning their suitability for working with the child(ren) in accordance with this Part of the Administrative Code. Background Check of Foster Home Applicants and Sections 4-1-4 of the Child Care Act of 1969 will be Rev. Stat. 1991, Ch. 137, par. 2-14.1-214.4-1225-1969-10/4-1-4.1. Persons who have been convicted of an offense or who allow persons convicted of an offense to reside in their home shall not be automatically rejected as related caregivers. When a person with such a criminal history is present in the home, the Department employees designated by the Director of the Department shall review the materials focusing on the relationship between the offense which was the basis for the conviction and the children's health, safety, and welfare in that relative family home. The following shall be considered in addition to the criteria in Section 4-2 of the Child Care Act of 1969:
- 1) The type of crime for which the individual was convicted.
 - 2) The number of crimes for which the individual was convicted.
 - 3) The nature of the offenses.
 - 4) The age of the individual at the time of the conviction.
 - 5) The length of time that has elapsed since the last conviction.
 - 6) The relationship of the crime and the capacity to care for children.
 - 7) Evidence of rehabilitation and
 - 8) Opinions of community members concerning the individual in question.
- c) If any adult member of the household has been convicted of one of the crimes identified in items 1) through 11) of Section 4-2 of the Child Care Act of 1969, any request for a waiver of the conviction must be submitted in writing to the Director of the Department for his or her personal approval.

(Source: Repealed at 19 Ill. Reg. **10502**, effective JUL 1 1995)

Section 335.314 Health of Relative Family (Repealed)

- a) Medical examinations of related caregivers or other members of the household shall be required when, through personal observation of the relative family, the supervising agency has reason to believe that the related caregiver or a member of the household has a disease or physical impairment which would affect the ability to provide care for

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the child(ren). Medical examinations shall be at the expense of the related caregiver or member of the household.

b) If the supervising agency has a question regarding whether the mental or emotional health of the related caregivers or other member of the household may endanger a child or children in care or there is a concern about a member of the household's use of drugs or alcohol, the supervising agency shall require clinical or medical evaluations and reports to assess the condition. Clinical or medical evaluations shall be at the expense of the Department of Children and Family Services.

(Source: Repealed at 19 Ill. Reg. **10502**, effective JUL 1 1995)

Section 335.316 Number of Children Served (Repealed)

The maximum number of children for which a relative family home shall be approved for full-time care shall be eight (including the family own children and other members of the household under 18 years of age whose parents or guardian does not reside in the home) unless all of the related child(ren) for whom the home is approved are of common parentage. The maximum number of eight shall not include other children whose parents or guardian state membership in the household and assume full responsibility for that child. Not more than a maximum of eight include children born to or adopted by the related caregivers after the home is initially approved.

(Source: Repealed at 19 Ill. Reg. **10502**, effective JUL 1 1995)

Section 335.318 Meeting Basic Needs of Related Children (Repealed)

- a) Children in the home shall be treated equitably.
- b) Children in the home shall be protected from exploitation, neglect and abuse. Suspected child abuse or neglect shall be reported to the supervising agency and to the Department immediately.
- c) Children under the age of 18 shall not be left in the home without supervision by a responsible person age 15 or over.
- d) When the related caregivers) is employed or otherwise engaged in activities outside the home, appropriate approval of supervision of the children shall be provided. Child(ren) shall receive appropriate supervision appropriate to their needs. Developmental, safety and maturity when supervision by other than the related caregivers will occur on a regular basis, the plan shall be in writing and shall be approved by the supervising agency. The supervising agency shall refer and approve the plan only when the safety of the child(ren) is assured.
- e) Each child shall be encouraged to visit his or her parents and other family members in accordance with the provisions of the plan. Anticipated visitation has been requested by a parent or other

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- 6† Each child shall be given the opportunity to develop social relationships through participation in school and other community and group activities. Each child shall have the opportunity to invite friends to the home and to visit in the home of friends.
- 9† Related caregivers shall assist the child in the proper handling of money by providing a personal allowance based upon the child's age. Personal allowances for the child shall not be less than the amount provided by the child's parent, guardian or legal custodian.
- h† Adolescents may be allowed to earn additional spending money.
- †† A reasonable amount of the child's spending money may be saved for future expenditures. Savings over \$100 are to be held in a separate account in the child's name.
- †† Each child shall have the opportunity to learn to assume some responsibility for himself or herself and for household duties in accordance with his or her age, ability and activity. No child shall be permitted to do tasks which are hazardous, dangerous or task seem to the child.
- k† Each child shall be provided with his or her own clothing for health, comfort and physical well-being. Clothing shall be properly fitted and appropriate to the season.
- †† Related caregivers shall encourage the child to engage in appropriate indoor and outdoor recreation.
- m† Related caregivers shall cooperate with the supervising agency in providing information about the child to the center and shall notify the supervising agency of increases that affect the child's health, including but not limited to death, serious illness, incarceration, injury, other significant occurrences.

(Source: Repealed at 19 Ill. Reg. 10502, effective JUL 1 1995)

Section 335.320 Health Care of Related Children (Repealed)

- a† Each child shall have medical and dental check-ups in accordance with the Illinois Department of Public Health's early period screening diagnosis and treatment program 93 Ill. Adm. Code 240-4657. Healthy Kids Program or upon medical or dental recommendation.
- b† In case of sickness or accident, immediate medical care shall be secured for the child in accordance with the supervising agency's directions.
- c† Related caregivers shall keep the supervising agency informed of the child's health problems, including the onset and duration of abuse.
- d† No prescription drugs or medicines shall be given to a related child without a physician's prescription or authorization.
- e† Related caregivers shall thoroughly acquaint anyone caring for the child in their absence with the foregoing health requirements.

(Source: Repealed at 19 Ill. Reg. 10502, effective JUL 1 1995)

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Section 335.322 Religion (Repealed)

- a† The religious beliefs and rights of the child(ren) shall be legally protected.
- b† Each child shall be given religious instruction in his or her own faith or that of his or her parent(s) unless there is written consent of the parent(s) or guardian (if residual parent(s) have been legally terminated) for the child to participate in religious instruction and to attend the facility of another faith. This shall include consent to baptism or confirmation.
- c† Children shall be permitted to participate in religious services either singly or in groups.

(Source: Repealed at 19 Ill. Reg. 10502, effective JUL 1 1995)

Section 335.324 Education (Repealed)

- a† Foster parent(s) shall encourage each child to complete high school or vocational training in accordance with his or her aptitude. Foster parent(s) shall cooperate with the supervising agency in the child's educational plan.
- b† Children shall be permitted and encouraged to participate in extra-curricular activities including sports and music to the extent of their interest, ability and talent.
- c† The supervising agency shall ensure that the foster parent(s) shall maintain contact with those serving the educational needs of the child(ren) and seek their cooperation to assure that:
- 1† Child(ren) shall be placed in appropriate grades and program and
 - 2† There is periodic evaluation of individual child(ren).
- d† The supervising agency shall ensure that each child is provided with the necessary school supplies, materials and equipment.

(Source: Repealed at 19 Ill. Reg. 10502, effective JUL 1 1995)

Section 335.326 Discipline of Related Children (Repealed)

- a† Discipline shall be appropriate to the age of the child related to the child's act and shall not be out of proportion to the particular inappropriate behavior. Discipline shall be handled without prolonged delay.
- b† The related caregiver(s) shall be responsible for the discipline of the child. Discipline shall never be delegated to the child's peers or peers' parents. Persons who are strangers to the child.
- c† No child shall be subjected to corporal punishment, physical verbal abuse, threats or derogatory remarks about the child or his or her family.
- d† No child shall be deprived of a meal or part of a meal as punishment.

e† No child shall be deprived of visits with family or other persons with whom he or she has established a parenting bond as punishment.
f† No child shall be deprived of clothing or sleep as punishment.
g† A child may be restricted to an unlocked bedroom for a reasonable period of time. While restricted, the child shall have full access to sanitary facilities.
h† A child may be temporarily restrained by a person physically holding the child if the child poses a danger to him or herself or to others.
i† The personal spending money of a child may be used as a constructive disciplinary measure to teach the child about responsibility and the consequences of his or her behavior. However, no more than 50% of the child's monthly personal spending money (as provided by parent(s) guardian or supervising agency) shall be withheld for any reason.
j† Withholding a child's monthly personal spending money shall occur only under the following circumstances:
A† For reasonable restitution for damages done by the child or
B† For breaking the family's rules if the child has been given an oral warning that his or her next spending money will be reduced for this infraction.

2† When a child's spending money has been reduced because he or she has broken a rule, the related caregivers shall keep the withheld money for the child and shall not use it for any other purpose. The related caregiver(s) shall give the child opportunities to earn the money back and shall explain to the child how the spending money can be restored.
3† Special or additional acres may be assigned as a disciplinary measure.
k† Privileges may be temporarily removed as a disciplinary measure.

(Source: Repealed at 19 Ill. Reg. 10502, effective JUL 1 1995)

Section 335.328 Emergency Care of Related Children (Repealed)

In the case of an emergency requiring the absence of the related caregiver(s) from the home for a period of 24 hours or longer, the supervising agency must be notified so that appropriate arrangements may be made for the care of the child(ren).

(Source: Repealed at 19 Ill. Reg. 10502, effective JUL 1 1995)

Section 335.330 Release of Children (Repealed)

The related caregiver(s) shall not release a related child to anyone (including the child's own parent or parents) except as authorized by the supervising agency.

(Source: Repealed at 19 Ill. Reg. 10502, effective

JUL 1 1995)
Section 335.332 Confidentiality of Information (Repealed)
Information concerning a related child, his or her family and background shall be treated as confidential by all persons involved with the child.
(Source: Repealed at 19 Ill. Reg. 10502, effective JUL 1 1995)

Section 335.334 Required Written Consents (Repealed)

a† The supervising agency shall ensure that written consents from legally responsible persons (parent, court, or other legal custodian or guardian) are obtained for certain acts of a child or performance of certain acts on his or her behalf as required by law including but not limited to:
1† health care and treatment including medical surgery
2† psychiatric, psychological and dental
3† religious instruction and/or church attendance in a different faith than that of the parent(s) or guardian
4† work program induction into the armed services, driving a car and car ownership
5† visitor transport or excursions which include out-of-state travel
6† use of photographs for publicity or other purposes and
7† consent to marriage for a child under the age of 18.
b† Written consents shall be dated and limited to a specific period of time.
c† Any written or verbal consent or authorization given by persons referred or referenced in paragraph (a) above or by others which conflict with any of the requirements of this Part is not valid.

(Source: Repealed at 19 Ill. Reg. 10502, effective JUL 1 1995)

Section 335.336 Records To Be Maintained (Repealed)

a† Records to be maintained by the relative family shall include:
1† the name and date of birth of the child; the legal guardian of the child; religion of the child; and arrangements for education of the child.
2† a record of immunizations the child has received; any physical problems; limitations or allergies the child has; any current recommendations for special medical care;
3† the name, address and telephone number of the child's physician, guardian and supervising agency;
4† the name, address and telephone numbers of persons to contact in case of emergency; and

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5) the name(s) of person(s) to whom the child may be released;
b) Records maintained by the family shall be kept current and shall be open to inspection by the supervising agency. All persons who have access to the records shall respect their confidential nature.

(Source: Repealed at 19 Ill. Reg. 10502, effective JUL 1 1995)

Section 335.338 Cooperation With the Supervising Agency and the Department (Repealed)

Authorized representatives of the supervising agency or the Department shall be admitted to the relative family home (during reasonable hours) to determine compliance with these rules and any conditions issued pursuant to these rules accompanying approval of the home.

(Source: Repealed at 19 Ill. Reg. 10502, effective JUL 1 1995)

Section 335.340 Severability of This Part (Repealed)

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this part.

(Source: Repealed at 19 Ill. Reg. 10502, effective JUL 1 1995)

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Heading of the Part: Reports of Child Abuse and Neglect

2) Code Citation: 89 Ill. Adm. Code 300

3) Section Numbers: Adopted Action:

- 300.20 Amend
- 300.40 Amend
- 300.120 Amend
- 300.130 Amend
- 300.150 Amend
- 300. Appendix B Amend

4) Statutory Authority: The Abused and Neglected Child Reporting Act (325 ILCS 5)

5) Effective Date of Rulemaking: July 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 1, 1995

9) Notice of Proposal Published in Illinois Register: March 24, 1995, 19 Ill. Reg. 3684

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: Minor editing changes were made in accordance with the recommendations from the Joint Committee on Administrative Rules and the Administrative Code Unit.

Additional changes were made in response to public comments and/or Department decisions:

Section 300.20, Definitions

In the definition of "caretaker," changed the word "relative caregiver" to "caregiver."

In the definition of "Child care facility" deleted proposed citation "[225 ILCS 10/2.05]" after "children." Deleted the proposed words "pursuant to" and replaced with the word "under", changed the proposed citation at the end of the sentence to "[225 ILCS 10/2.05]". Changed the last sentence to italic print.

In the definition of "neglected child" moved the ILCS cite from its

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current position to the end of the definition.

In the definition of "Person responsible for the child's welfare" deleted the proposed terms "relative caregiver" and "custodian" and added the term "relative caregiver" (in *italics*) immediately after the term "foster parent".

Add a definition of "private guardian".

Deleted the proposed definition for "Relative caregiver" and replaced it with the following definition for "Relative":

"*Relative.*" for purposes of placement of children for whom the Department is legally responsible, *means any person 21 years of age or over, other than the parent, who:*

-is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or

-is the spouse of such a relative, or

-is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. (20 ILCS 505/7(b))

Section 300.80, withdrew the proposed amendments to Section 300.80 in their entirety.

Section 300.120

(a)(1) added the words "so long as" immediately after the first occurrence of the word "relative."

(d)(1) deleted the proposed added language "or relative caregiver" and replaced it with "and any relative caregiver from whom the child was removed.".

Section 300.130

(a) Deleted the strikeout from "or" and deleted the proposed added language, "or relative caregiver."

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(c) Deleted the proposed added language, "Relative Caregivers.".

(c)(1) Deleted the proposed added language, "or relative caregiver.".

(e)(1) Deleted the proposed added language "in the placement," and replaced it with "residing in the home,".

Section 300.150

(e) Deleted the proposed word "may" and inserted the word "shall".

Appendix B. Allegation #74, Inadequate Supervision, changed the proposed added language in the sentence to *italics*.

(2) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

(3) Will this rulemaking replace an emergency rule currently in effect? No

(4) Are there any amendments pending on this part? No

(5) Summary and Purpose of Rulemaking: Children who are left in the care of a relative will not be considered neglected solely based on that reason alone. When services would be beneficial to maintain the child with the relative caregiver, the relative caregiver and the child will be provided services, but the child will not come into the custody of the Department when the relative is providing appropriate care.

In addition Section 300.130, Notices Whether Child Abuse or Neglect Occurred, has been revised to comply with provisions of the B.H. Consent Decree regarding notifications of child abuse and neglect reports concerning children who are in substitute care settings.

(6) Information and questions regarding these adopted amendments shall be directed to:

Name: Jacqueline Nottingham, Chief

Address: Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station #222
Springfield, Illinois 62701-1498

Telephone: (217)524-1983

TDD: (217)524-3715

The full text of the Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 300

REPORTS OF CHILD ABUSE AND NEGLECT

Section	Purpose
300.10	Definitions
300.20	Reporting Child Abuse or Neglect to the Department
300.30	Content of Child Abuse or Neglect Reports
300.40	Transmittal of Child Abuse or Neglect Reports
300.50	Special Types of Reports (Recodified)
300.60	Referrals to the Local Law Enforcement Agency and State's Attorney
300.70	Delegation of the Investigation
300.80	Time Frames for the Investigation
300.90	Initial Investigation
300.100	The Formal Investigative Process
300.110	Taking Children into Temporary Protective Custody
300.120	Notices Whether Child Abuse or Neglect Occurred
300.130	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.140	Referral for Other Services
300.150	Special Types of Reports
300.160	Acknowledgement of Mandated Reporter Status
APPENDIX A	Child Abuse and Neglect Allegations
APPENDIX B	

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 3104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendments at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg.

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17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective JUL 1 1995.

Section 300.20 Definitions

"Abused Child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss of or impairment of any bodily function;

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon such child; or

inflicts excessive corporal punishment. (1117-Rev-Stat-19917 CH-237-PART-20537 [325 ILCS 5/3])

"Caretaker" "Caretaker" means the child's parent(s), guardian, or custodian or relative with whom the child lives and who has primary responsibility for the care and supervision of the child.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.

"Child-care facility" means any person-group of persons, agency, association, or organization which arranges for or cares for children unrelated to the operator of the facility apart from the parent's child-care facilities may be established for profit or not-for-profit. "Child-care facility" is further defined in Section 2-05 of the Child Care Act and includes foster-family homes and day-care homes.

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"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

"Child Protective Service Unit" (CPS) means certain specialized State employees of the Department assigned by the Director or his designee to perform the duties and responsibilities as provided under this Part. They are also known as investigative staff. ¶111--Rev--Stat--19917--enr--237--part--2053† (325 ILCS 5/3)

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Collateral contact" means obtaining information concerning a child, parent, or other person responsible for the child from a person who has knowledge of the family situation but was not directly involved in referring the child or family to the Department for services.

"Credible evidence of child abuse or neglect" means that the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe that a child was abused or neglected.

"Delegation of an investigation" means the decision whether a report of child abuse or neglect was "indicated" or "unfounded" has been referred to another authority. The Department maintains responsibility for entering information about the report in the State Central Register and for notifying the subjects of the report and mandated reporters of the results of the investigation.

"Department," as used in this Part, means the Department of Children and Family Services.

"Determination" means a final Department decision about whether there is credible evidence that child abuse or neglect occurred. A determination must be either "indicated" or "unfounded."

"Disfigurement" means a serious or protracted blemish, scar, or deformity that spoils a person's appearance or limits bodily functions.

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"Formal investigation" means those activities conducted by Department investigative staff necessary to make a determination as to whether a report of suspected child abuse or neglect is indicated or unfounded. Such activities shall include: an evaluation of the environment of the child named in the report and any other children in the same environment; a determination of the risk to such children if they continue to remain in the existing environments, as well as a determination of the nature, extent and cause of any condition enumerated in such report, the name, age and condition of other children in the environment; and an evaluation as to whether there would be an immediate and urgent necessity to remove the child from the environment if appropriate family preservation services were provided. After seeing to the safety of the child or children, the Department shall forthwith notify the subjects of the report in writing, of the existence of the report and their rights existing under this Act in regard to amendment or expungement. ¶111--Rev--Stat--19917--enr--237--part--2053† (325 ILCS 5/3)

"Indicated Report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Initial Investigation" means those activities conducted by Department investigative staff to determine whether a report of suspected child abuse or neglect is a good faith indication of abuse or neglect and, therefore, requires a formal investigation. Good faith in this context means that the report was made with the honest intention to identify actual child abuse or neglect.

"Initial Oral Report" means a report alleging child abuse or neglect for which the State Central Register has no prior records on the family.

"Involved Subject" means a child who is the alleged victim of child abuse or neglect or a person who is the alleged perpetrator of the child abuse or neglect.

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Mandated reporters" means those individuals required to report suspected child abuse or neglect to the Department. A list of these persons and their associated responsibilities is provided in Section 300.30 of this Part.

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food

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or care not provided solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support, or medical or other remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare), or other care necessary for a child's well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood and urine contains any amount of controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time-as-a-brother-of-care. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of the Abused and Neglected Child Reporting Act, where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because such parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, such child is subject to the requirements of this Act for the reporting of, investigation of, and provision of protective services with respect to such child and his health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for such necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code. ~~1991-CH-237-PAR-20537~~ [325 ILCS 5/3]

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

"Person responsible for the child's welfare" means the child's parent, guardian, foster parent, relative caregiver, an operator, supervisor, or employee of a public or private residential agency or institution or public or private profit or not-for-profit child care facility; or

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any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect. ~~1991-CH-237-PAR-20537~~ [325 ILCS 5/3]

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 105/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/Art. 11].

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Subject of a report" means any child reported to the child abuse/neglect State Central Register, and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated by the Department, subject to review by the Court. Temporary protective custody cannot exceed 48 hours excluding Saturdays, Sundays and holidays.

"Undetermined report" means any report of child abuse or neglect made to the Department in which it was not possible to complete an investigation within 60 days on the basis of information provided to the Department.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

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child who was taken into temporary protective custody by the local law enforcement officer or by a physician, Department investigative staff shall:

- 1) immediately notify the State Central Register of this action;
- 2) make every reasonable effort to notify the child's parents, personal guardian, or legal custodian, and any relative caregiver from whom the child was removed, of the action;
- 3) request that the Guardianship Administrator or designee authorize any ordinary medical care or treatment necessary for those children taken into temporary protective custody;
- 4) if the child needs treatment of an emergency nature and the parent or guardian is unavailable or unwilling to provide consent, the physician or hospital shall be asked to proceed under "AN-Act-in-relation-to-the-performance-of-medical-dental or surgical procedures on and counseling for minors--1999-Rev. Stat.--1999, ch. 117, par. 4-91 et seq." the Consent by Minors to Medical Procedures Act [410 ILCS 210], which allows treatment to be given to minors without consent; and
- 5) obtain a shelter care hearing under the provisions of the Juvenile Court Act within 48 hours, excluding Saturdays, Sundays, and holidays, in order to retain custody for more than 48 hours.

(Source: Amended at 19 Ill. Reg. 10522, effective JUL 1 1995)

Section 300.130 Notices Whether Child Abuse or Neglect Occurred

- a) Written Notices of Decision
The Department provides a written notice to mandated reporters who reported suspected child abuse or neglect as well as to the child's parent, personal guardian, or legal custodian; the Juvenile Court Judge (when a State ward is involved); and the alleged perpetrator concerning the final determination of the report.
- b) Mandated Reporters
1) Mandated reporters who have reported suspected child abuse or neglect are informed via a written notice that a formal investigation was conducted. The written notice also provides an explanation of how further information on an indicated report may be secured. Department staff will notify them in writing:
 - A) whether of the name of the child who was the subject of a report of abuse or neglect;
 - B) whether the report was indicated or unfounded;
 - C) whether the Department took temporary protective custody.
- 2) Requests for additional information must be directed, in writing, to the State Central Register and must include:
 - A) the identity of the requestor;
 - B) the subject(s) name for whom the record is requested;
 - C) a notary public's attestation as to the identity of the

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(Source: Amended at 19 Ill. Reg. 10522, effective JUL 1 1995)

Section 300.40 Content of Child Abuse or Neglect Reports

The State Central Register or the local report-taker shall attempt to secure the following information from the reporter:

- a) family composition, including the name, age, sex, race, ethnicity, and address of the children named in the report and any other children in the environment;
- b) name, age, sex, race, ethnicity and address of the children's parents, caregiver, if different from the parent(s), and if different, the relationship of the caregiver to the child(ren), and of the alleged perpetrator and his/her relationship to the child subjects;
- c) the physical harm to the involved children and an estimation of the children's present physical, medical, and environmental condition. This estimation should include information concerning any previous incidents of suspected child abuse or neglect; and
- d) the reporter's name, occupation and relationship to the children, actions taken by the reporter, where the reporter can be reached, and other information the reporter believes will be of assistance.

(Source: Amended at 19 Ill. Reg. 10522, effective JUL 1 1995)

Section 300.120 Taking Children Into Temporary Protective Custody

- a) Local law enforcement officers, Department investigative staff, and physicians treating a child may take temporary protective custody of a child without the consent of the person(s) responsible for the child's welfare, if they have reason to believe that:
 - 1) leaving the child in the home or in the care and custody of the child's caretaker caregiver presents an imminent danger to the child's life or health. The child shall not be taken into protective custody for the sole reason that the child was left with a relative, so long as the relative is willing to keep the child, and the Department has reason to believe that the relative can adequately and safely care for the child; and
 - 2) there is insufficient time to obtain a Juvenile Court order authorizing temporary custody.
- b) In addition to the above requirements, Department investigative staff shall have decided that in-home services would not sufficiently protect the child before Department staff take temporary protective custody of a child.
- c) Local law enforcement officers or physicians who take temporary protective custody of a child must immediately notify the Department of their action.
- d) When taking temporary protective custody of a child or receiving a

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requestor:

- 2) the purpose of the request.
- 3) Upon receipt of an appropriate request, only the following information will be disclosed to the mandated reporter:
 - A) whether a Department case has been opened for the family or children; and
 - B) what Department services are being provided to the family or children.
- 4) All requested information is sent in writing through certified mail and is deliverable only to the mandated reporter who made the request.
- 5) Parents, Personal Guardians, Legal Custodians, and Alleged Perpetrators
 - A) Custodial and non-custodial parents, personal guardians, or legal custodians of child subjects, and alleged perpetrators shall receive notification within 5 five calendar days after the report has been indicated or unfounded which indicate that the allegations were either:
 - A) unfounded, and that all identifying information in the computer and local index files will be ~~destroyed unless the subjects request and they be retained in accordance with 89 Ill. Adm. Code 431, Confidentiality of Information of Persons Served by the Department~~; or
 - B) indicated, and all Department records will be maintained intact.
- 2) In addition, written notices shall explain that:
 - A) the subjects of the report have access to the Department's records on the report, with the exception of the identity of the reporter or other persons who cooperated in the investigation;
 - B) the subjects of the report have the right to request a review of the determination that the report was indicated including the decision to maintain a record of the report in the Department's computer and local index files. 89 Ill. Adm. Code 336, Appeal of Child Abuse and Neglect Investigation Findings, fully explains the Department's review and appeal process; and
 - C) the subjects of the report may request, within 10 days of the date on the written notice, that an unfounded report be retained in the Department's computer and local index files, if the subjects of the report believe the report was not made in good faith. All such requests will be honored.

- d) Other Parties

The Department shall notify, in writing, those supervisors or administrators referenced in Section 300.100(1) of this Part whether a report involving the person(s) they supervise was indicated or unfounded and, if unfounded, that Section 13 of the Personnel Record Review Act (~~1991-Rev. Stat.~~ ~~1997-cn-48-par-203~~) [820 ILCS 40/13]

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requires that any record of the investigation must be expunged from the employee's personnel records. The Department shall also notify the employee, in writing, that notification has been sent to the employer informing the employer that the Department's investigation has resulted in an unfounded report. The notice to the employee shall also contain a statement of the employee's right to take the notice to the employer to have any record of the investigation expunged from the employee's record.

- a) Child Abuse and Neglect Reports on Children in Department Custody
 - 1) When a child is reported to the Department as being abused or neglected while in a foster home or relative home placement, whether by the foster parent, caregiver, or any other person residing in the home, the Department shall promptly notify the following persons when the report has been made, when an investigation is pending, ~~an investigation has been initiated~~ and when the report has been indicated or unfounded:
 - A) the parent(s) or private guardian(s) of the alleged abuse or neglect victim;
 - B) all Department caseworkers or case managers responsible for the alleged victim and for any other children in the same foster home or relative home placement;
 - C) ~~the Department's Bureau of Quality Assurance which is~~ those persons designated by the Director as responsible for evaluating the investigation and the disposition of the report;
 - D) Department staff responsible for licensing and making placements with the facility.
 - 2) When a child is reported to the Department as being abused or neglected while in residential placement, the Department shall promptly notify the following persons when the report has been made, an investigation is pending, and when the report has been indicated or unfounded:
 - A) the parent(s) or private guardian(s) of the alleged abuse or neglect victim;
 - B) those Department caseworkers or case managers responsible for the alleged victim, for each child alleged to be a witness to the incident, and for each child alleged to be a perpetrator of the incident;
 - C) those persons designated by the Director responsible for evaluating the investigation and the disposition of the report;
 - D) Department staff responsible for licensing and making placements with the facility.
- a)3) The Department shall notify the following when a report involving a child in Department custody is indicated:
 - A) the Juvenile Court. If services are being provided by the Department or its providers, the notice shall also give the name and location of the Department office serving the

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Section 300.APPENDIX B Child Abuse and Neglect Allegations

This Appendix describes the specific incidents of harm which must be alleged to have been caused by the acts or omissions of the persons identified in Section 3 of the Abused and Neglected Child Reporting Act before the Department will accept a report of child abuse or neglect. The allegation definitions focus upon the harm or the risk of harm to the child. Many of the allegations of harm can be categorized as resulting from either abuse or neglect. All abuse allegations of harm are coded with a one or two digit number under thirty. All neglect allegations of harm are coded with a two digit number greater than fifty. In addition each allegation is coded with a priority number, either I, II or III. This priority number ranges from the most serious, Level I, to the least serious, Level III. The allegations of harm, with their assigned priority number in parenthesis, are defined as follows:

ALLEGATION #	DEFINITION
1/51	Death (Priority I) Permanent cessation of all vital functions. The following definitions of death are also commonly used: - Total irreversible cessation of cerebral function, spontaneous function of the respiratory system, and spontaneous function of the circulatory system. - The final and irreversible cessation of perceptible heart beat and respiration. Verification of death must come from a physician or coroner.

2/52	Brain Damage/Skull Fracture (Priority I) Brain damage means injury to the large, soft mass of nerve tissue contained within the cranium skull. Skull fracture means a broken cone in the skull. Verification of brain damage or skull fracture must come from a physician, preferably a neurosurgeon or radiologist.
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3/53	Subdural Hematoma (Priority I) Hematoma A swelling or mass of blood (usually clotted) confined to an organ, tissue or space and caused by a break in a blood vessel.
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children:
3) the Department's administrative case reviewer responsible for reviewing the case plans of the children involved.
34) The Department shall transmit a copy of the report to the guardian ad litem appointed under the Juvenile Court Act of 1987 when a report has been indicated, unfounded, or undetermined and the minor who is the subject of the report is also the minor for whom the guardian ad litem has been appointed.

(Source: Amended at 19 Ill. Reg. 10522, effective JUL 1 1995)

Section 300.150 Referral for Services

- a) When an investigative worker determines that a report is indicated, the parents or caretakers caregivers may be given the opportunity to cooperate with the Department through services provided or arranged for by the Department. When the parents or caretakers caregivers are unwilling or unable to cooperate, or when legal custody or guardianship through the Department is necessary to protect the child, the worker may seek court intervention.
- b) When the investigative worker determines that a report is unfounded but the family, including a relative caregiver, may need services, the worker shall:
 - 1) inform the family of available child welfare services and refer the family for services, if requested; or
 - 2) provide information regarding other community resources.
- c) If the report is unfounded and the family does not want services, the worker shall make no recommendation for additional services.
- d) The Department ~~will~~ may offer services to any child or family, including a relative caregiver, who is the subject of the report of child abuse or neglect prior to making a determination of indicated or unfounded when the family is in immediate need of services or there is an imminent danger to the child's life or health. However, the child's or family's willingness to accept services shall not be considered in making the determination of indicated or unfounded.
- e) When the State Central Register does not accept a report of abuse or neglect because the sole reason for the report was that a child was left in the care of a relative, the State Central Register shall:
 - 1) inform the relative of available child welfare services and refer the relative for services, if requested; or
 - 2) provide information to the relative regarding other community resources.

(Source: Amended at 19 Ill. Reg. 10522, effective JUL 1 1995)

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ALLEGATION

DEFINITION

Subdural

Beneath the dura mater (the outer membrane covering the spinal cord and brain).

A subdural hematoma is located beneath the membrane covering the brain and is usually the result of head injuries or the shaking of a small child or infant. It may result in loss of consciousness, seizures, mental or physical damage, or death.

Verification of subdural hematoma must come from a physician.

4/54

Internal Injuries (Priority I)

An internal injury is an injury which is not visible from the outside, e.g. an injury to the organs occupying the thoracic or abdominal cavities. Such injury may result from a direct blow. A person so injured may be pale, cold, perspiring freely, have an anxious expression, or may seem semicomatose. Pain is usually intense at first, and may continue or gradually diminish as patient grows worse.

Verification of internal injuries must come from a physician.

5/55

Burns/Scalding (Priority II)

Burns

Tissue injury resulting from excessive exposure to thermal, chemical, electrical or radioactive agents. The effects vary according to the type, duration and intensity of the agent and the part of the body involved. Burns are usually classified as:

- First Degree

Superficial burns, damage being limited to the outer layer of skin. Scorching or painful redness of the skin.

- Second Degree

Verification must come from a physician, a law enforcement officer or by a direct admission from the alleged perpetrator.

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ALLEGATION

DEFINITION

The damage extends through the outer layer of the skin into the inner layers. Blistering will be present within 24 hours.

- Third Degree

Burns in which the skin is destroyed with damage extending into underlying tissues, which may be charred or coagulated.

Scalding

A burn to the skin or flesh caused by moist heat and hot vapors, as steam.

All immersion burns (scalds) must be confirmed by a physician unless the alleged perpetrator has admitted to scalding the child.

6/56

Poison/Noxious Substances (Priority II)

Poison

Any substance, other than mood altering chemicals or alcohol, taken into the body by ingestion, inhalation, injection, or absorption that interferes with normal physiological functions. (Virtually any substance can be poisonous if consumed in sufficient quantity; therefore, the term poison more often implies an excessive amount rather than a specific group of substances.)

Noxious

Harmful, injurious, not wholesome.

Verification must come from a physician or by a direct admission from the alleged perpetrator.

7/57

Wounds (Priority I)

A gunshot or stabbing injury.

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ALLEGATION #	DEFINITION
	An elevation on the skin produced by a lash, blow, or allergic stimulus. The skin is not broken and the mark is reversible.
	Factors to be Considered
	Not every cut, bruise, or welt constitutes an allegation of harm. The following factors should be considered when determining whether an injury which resulted in cuts, bruises or welts constitute an allegation of harm:
	<ul style="list-style-type: none">- the child's age (children aged 6 and under are at a much greater risk of harm).- child's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap, particularly as they relate to the child's ability to protect himself or herself.- pattern or chronicity of similar incidents.- severity of the cuts, bruises, or welts (size, number, depth, extent of discoloration).- location of the cuts, bruises, or welts.- whether an instrument was used on the child.- previous history of indicated abuse or neglect.
	Human Bites (Priority II)
	A bruise, cut or indentation in the skin caused by seizing, piercing, or cutting the skin with human teeth.
	Sprains/Dislocations (Priority II)
	Sprain
	Trauma to a joint which causes pain and disability depending upon the degree of injury to ligaments. In a severe sprain, ligaments may be completely torn. The signs are rapid swelling, heat and disability, often discoloration and limitation of function.
	Dislocation
	The displacement of any part, especially the temporary displacement of a bone from its normal position in a joint. Types include:
	Complicated

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ALLEGATION #	DEFINITION
9/59	Bone Fractures (Priority II)
	A fracture is a broken bone. There are ten types of fractures, the most common being:
	Chip Fracture
	A small piece of bone is flaked from the major part of the bone.
	Simple Fracture
	The bone is broken, but there is no external wound.
	Complicated Fractures
	Compound
	The bone is broken, and there is an external wound leading down to the site of fracture or fragments of bone protrude through the skin.
	Comminuted
	The bone is broken or splintered into pieces.
	Spiral
	Twisting causes the line of the fracture to encircle the bone in the form of a spiral.
	Verification must come from a physician or radiologist.
	No-allegation:
	Cuts, Bruises and Welts (Priority II)
	Cut
	An opening, incision or break in the skin made by some external agent.
	Bruise
	An injury which results in bleeding within the skin, where the skin is discolored but not broken.
	Welt

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ALLEGATION #	DEFINITION
11/61	Cuts, Bruises and Welts (Priority II)
	Cut
	An opening, incision or break in the skin made by some external agent.
	Bruise
	An injury which results in bleeding within the skin, where the skin is discolored but not broken.
	Welt

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ALLEGATION

DEFINITION

- A dislocation associated with other major injuries. Compound
- Dislocation in which the joint is exposed to the external air. Closed
- A simple dislocation. Complete
- A dislocation which completely separates the surfaces of a joint.

Verification must come from a physician, registered nurse, licensed practical nurse or by a direct admission from the alleged perpetrator.

Tying/Close Confinement (Priority II)

Unreasonable restriction of a child's mobility, actions or physical functioning by tying the child to a fixed (or heavy) object, tying limbs together or forcing the child to remain in a closely confined area which restricts physical movement. Examples include, but are not limited to:

- locking a child in a closet.
- tying one or more limbs to a bed, chair, or other object except as authorized by a licensed physician.
- tying a child's hands behind his back.

Substance Misuse (Priority II)

The consumption of a mood altering chemical capable of intoxication to the extent that it harmfully affects the child's health, behavior, motor coordination, judgment, or intellectual capability. Mood altering chemicals include cannabis (marijuana), hallucinogens, stimulants (including cocaine), sedatives (including alcohol and Valium), narcotics, or inhalants.

Fetal alcohol syndrome or drug withdrawal at birth caused by the mother's addiction to drugs is included in this definition and is considered child neglect. Also included is any amount of a controlled substance or a metabolite thereof, found in the blood, urine or meconium (newborn's first stool) of a newborn infant. A controlled substance is defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act (720 ILCS 570/102). The

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ALLEGATION

DEFINITION

presence of such substances shall not be considered as child neglect if the presence is due to medical treatment of the mother or infant.

NOTE: Methadone withdrawal or other withdrawal verified as under the auspices of a drug treatment program is not included under drug withdrawal at birth.

Examples of substance misuse include, but are not limited to:

- giving a minor (unless prescribed by a physician) any amount of heroin, giving a minor (unless prescribed by a physician) any amount of heroin, cocaine, morphine, peyote, LSD, PCP, pentazocine, or methaqualone or encouraging, insisting, or permitting a minor's consumption of the above substances.
- giving any mood altering substance, including alcohol or sedatives, unless prescribed by a physician, to an infant or toddler.
- encouraging, insisting or permitting a child who has not reached puberty to consume alcohol, drugs, or another mood altering substance on a regular or frequent basis.
- encouraging, insisting or permitting an adolescent to consume alcohol, drugs, or another mood altering substance on a daily basis.
- encouraging, insisting or permitting any minor to become intoxicated by alcohol, drugs, or another mood altering substance even if on an infrequent basis.

Factors to be Considered

The following factors should be considered when determining whether a child is involved in substance misuse.

- age of the child.
- frequency of substance misuse.
- amount of substance consumption.
- whether the substance is illegal.
- degree of behavioral dysfunction, or physical impairment linked to substance misuse.
- the child's culture, particularly as it relates to use of alcohol in religious ceremonies or on special occasions.

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- whether the parent or caretaker's caregiver's attempts to control an older child's substance misuse or to seek help for the child's substance misuse were reasonable under the circumstances.
- whether the parent or caretaker caregiver knew or should have known of the child's substance misuse.

Torture (Priority I)

Deliberately and/or systematically inflicting unusual or cruel treatment which results in physical or mental suffering.

Mental Injury (Priority II)

Injury to the intellectual, emotional or psychological development of a child as evidenced by observable and substantial impairment in the child's ability to function within a normal range of performance and behavior, with due regard to his or her culture.

Verification that a child has been mentally injured must come from a medical doctor, registered psychologist, certified social worker, registered nurse or professional employee of a community mental health agency.

Sexually Transmitted Diseases (Priority I)

A disease which was acquired originally as a result of sexual penetration or sexual conduct with an individual who is afflicted. The diseases may include, but are not limited to:

- Gonorrhea
- Nonspecific Urethritis
- Syphilis
- Chancroid
- Genital Candidiasis
- Lymphogranuloma Venereum
- Granuloma Inguinale
- Genital Herpes
- Genital Warts
- Balanoposthitis
- Proctitis
- Neisseria Gonorrhea
- Chlamydia Trachomatis

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DEFINITION

- Treponema Pallidum
- Haemophilus Ducreyi
- Calymmatobacterium Granulomatis
- Trichomonas Vaginalis (Symptomatic)
- AIDS

Sexual penetration is defined in the Illinois Criminal Sexual Assault Act as "any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration."

Sexual conduct is defined in the Act as "any intentional or knowing touching or fondling of the victim or the perpetrator, either directly or through clothing of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child . . . for the purpose of sexual gratification or arousal of the victim or the accused."

Verification of sexually transmitted diseases must come from a medical source.

Sexual Penetration (Priority I)

Any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person. This includes acts commonly known as oral sex (cunnilingus, fellatio), anal penetration, coition, coitus, and copulation.

Sexual Exploitation (Priority I)

Sexual use of a child for sexual arousal, gratification, advantage, or profit. This includes but is not limited to:

- indecent solicitation of a child/explicit verbal enticement.
- child pornography.
- exposing sexual organs to a child for the purpose of sexual arousal or gratification.
- forcing the child to watch sexual acts.

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ALLEGATION #	DEFINITION
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| 21 | <p>- self-masturbation in the child's presence.</p> <p>NOTE: Sexual penetration and molestation are excluded from this allegation. They are listed as separate allegations.</p> <p>Sexual Molestation (Priority I)</p> <p>Sexual conduct with a child when such contact, touching or interaction is used for arousal or gratification of sexual needs or desires. Examples include, but are not limited to:</p> <ul style="list-style-type: none"> - fondling. - the alleged perpetrator inappropriately touching or pinching parts of the child's body generally associated with sexual activity. - encouraging, forcing, or permitting the child to inappropriately touch parts of the alleged perpetrator's body generally associated with sexual activity. |
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Incidents

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ALLEGATION #	DEFINITION
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- | | |
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| | <ul style="list-style-type: none"> - choking the child. - smothering the child. - pulling the child's hair out. - violently pushing or shoving the child into fixed or heavy objects. - throwing or shaking a smaller child. - other violent or intimidating acts directed toward the child which cause excessive pain or fear. |
|--|---|

Circumstances

- | | |
|--|---|
| | <ul style="list-style-type: none"> - domestic violence in the home when the child has been threatened and the threat is believable, as evidenced by a past history of violence, or uncontrolled behavior. - a perpetrator of child abuse who has been ordered to remain out of the home returns home and has access to the abused child. - the non-accidental death of one child provides reason to believe that another child is at risk. - past sexual abuse, when confirmed by the victim, provides reason to believe that another child is at risk. |
|--|---|

Factors to be Considered

Whether there is a real and significant danger is determined by the following factors:

- | | |
|--|--|
| | <ul style="list-style-type: none"> - the child's age (children aged 6 and under are at a much greater risk of harm). - the child's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap, particularly related to his or her ability to protect himself or herself. - the severity of the occurrence. - the frequency of the occurrence. - the alleged perpetrator's physical, mental and/or emotional abilities, particularly related to his or her ability to control his or her actions. - the dynamics of the relationship between the alleged perpetrator and the child. - the alleged perpetrator's access to the child. - the previous history of indicated abuse or neglect. - the current stresses/crisis in the home. - the presence of other supporting persons in the home. |
|--|--|

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Inadequate Supervision (Priority II)

The child has been placed in a situation or circumstances which are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time [325 ILCS 5/3]. Examples include, but are not limited to:

- leaving children alone when they are too young to care for themselves.
- leaving children alone who have a condition that requires close supervision. Such conditions may include medical conditions, behavioral, mental, or emotional problems, or developmental or physical disabilities or physical handicaps.
- leaving children in the care of an inadequate or inappropriate caretaker caregiver.
- being present but unable to supervise because of the caretaker's caregiver's condition (This includes (1) the parent or caregiver caretaker who repeatedly uses drugs or alcohol to the extent that it has the effect of producing a substantial state of stupor, unconsciousness, intoxication or irrationality and (2) the parent or caregiver caretaker who cannot adequately supervise the child because of his or her medical condition, behavioral, mental, or emotional problems, or a developmental or physical disability). ~~or physical handicaps.~~
- leaving children unattended in a place which is unsafe for them when their maturity, physical condition, and mental abilities are considered.

Factors to be Considered

The following factors should be considered when determining whether a child is inadequately supervised.

Child Factors

- child's age and developmental stage, particularly related to the ability to make sound judgments in the event of an emergency.

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- child's physical condition, particularly related to the child's ability to care for or protect himself or herself. Is the child physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications?
- child's mental abilities, particularly as related to the ability to comprehend the situation.
- was the child's movement restricted or was the child otherwise locked within a room or other structure?

Caretaker Caregiver Factors

- presence or accessibility of caretaker caregiver.
- o How long does it take the caretaker caregiver to reach the child?
- o Can the caretaker caregiver see and hear the child?
- o Is the caretaker caregiver accessible by telephone?
- o Has the child been given phone numbers to call in the event of an emergency?
- caretaker's caregiver's age.
- o Is the caretaker caregiver mature enough to assume responsibility for the situation?
- caretaker's caregiver's physical and mental condition.
- o Is the caretaker caregiver able to make appropriate judgments on the child's behalf?

Incident Factors

- frequency of occurrence.
- duration of the occurrence (as related to the "child factors" above).
- time of the day or night when the incident occurs.
- child's location (the condition and location of the place where the minor was left without supervision).
- the weather conditions, including whether the minor was left in a location with adequate protection from the natural elements such as adequate heat or light.

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- other supporting persons who are overseeing the child. Was the child given a phone number of a person or location to call in the event of an emergency and whether the child was capable of making an emergency call?);
- whether food and other provisions were left for the child.
- other factors that may endanger the health and safety of the child.

75 Abandonment/Desertion (Priority II)

Abandonment

Abandonment is parental or caretaker conduct which demonstrates the purpose of relinquishing all parental rights and claims to the child. Abandonment is also defined as any parental or caretaker conduct which evinces a settled purpose to forego all parental duties and relinquish all parental claims to the child.

Examples of abandonment include, but are not limited to, parents who:

- leave a baby on a doorstep.
- leave a baby in a garbage can.

Desertion

Desertion is any conduct on the part of a parent or caretaker which indicates an intention to terminate custody of the child but not to relinquish all duties to and claims on the child. Desertion includes leaving a child with no apparent intention to return, unless the child has been left in the care of a relative.

Examples of abandonment/desertion include but are not limited to: parents or caretakers who:

- leave a baby on a doorstep.
- leave a baby in a garbage can.
- leave a child with no apparent intention to return.
- leave a child with an appropriate caretaker but fail to resume care of the child as agreed for a period of three months or more and the caretaker cannot or will not continue to care for the child.

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Inadequate Food (Priority III)

Lack of food adequate to sustain normal functioning. It is not as severe as Malnutrition or Failure to Thrive, both of which require a medical diagnosis.

Examples include:

- the child who frequently and repeatedly misses meals or who is frequently and repeatedly fed insufficient amounts of food.
- the child who frequently and repeatedly asks neighbors for food and other information substantiates that the child is not being fed.
- the child who is frequently and repeatedly fed unwholesome foods when his age, developmental stage, and physical condition are considered.

Factors to be Considered

Child Factors

- child's age.
- child's developmental stage.
- child's physical condition, particularly related to the need for a special diet.
- child's mental abilities, particularly related to his ability to obtain and prepare his own food.

Incident Factors

- frequency of the occurrence.
- duration of the occurrence.
- pattern or chronicity of occurrence.
- previous history of occurrences.
- availability of adequate food.

77 Inadequate Shelter (Priority III)

Lack of shelter which is safe and which protects the child(ren) from the elements.

Examples of inadequate shelter include, but are not limited to:

- no housing or shelter.

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- | ALLEGATION # | DEFINITION |
|--------------|---|
| - | condemned housing. |
| - | exposed, frayed wiring. |
| - | housing with structural defects which endanger the health or safety of a child. |
| - | housing with indoor temperatures consistently below 50° F. |
| - | housing with broken windows in sub-zero weather. |
| - | housing which is a fire hazard obvious to the reasonable person. |
| - | housing with an unsafe heat source which poses a fire hazard or threat of asphyxiation. |

Factors to be Considered

Child Factors

- child's age.
- child's developmental stage.
- child's physical condition, particularly when it may be aggravated by the inadequate shelter.
- child's mental abilities, particularly related to the child's ability to comprehend the dangers posed by the inadequate shelter.

Shelter Factors

- seriousness of the problem.
- frequency of the problem.
- duration of the problem.
- pattern or chronicity of the problem.
- previous history of shelter-related problems.

Inadequate Clothing (Priority III)

Lack of appropriate clothing to protect the child from the elements.

Factors to be Considered

Child Factors

- child's age.
- child's developmental stage.
- child's physical condition, particularly related to conditions which may be aggravated by exposure to the elements.

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- | ALLEGATION # | DEFINITION |
|--------------|--|
| - | child's mental abilities, particularly related to his or her ability to obtain appropriate clothing. |
| - | Incident Factors |
| - | frequency of the incident. |
| - | duration of the incident. |
| - | chronicity or pattern of similar incidents. |
| - | weather conditions such as extreme heat or extreme cold. |

Medical Neglect (Priority II)

Medical or Dental Treatment

Lack of medical or dental treatment for a health problem or condition which, if untreated, could become severe enough to constitute a serious or long-term harm to the child; lack of follow-through on a prescribed treatment plan for a condition which could become serious enough to constitute serious or long-term harm to the child if the plan goes unimplemented.

Immunizations

Lack of immunizations required by Section 1 of the Communicable Disease Prevention Act (410 ILCS 315) which states:

It is declared to be the public policy of this State that all children shall be protected, as soon after birth as medically indicated, by the appropriate vaccines and immunizing procedures to prevent communicable diseases which are or which may in the future become preventable by immunization.

The Department of Public Health has specified that the following immunizations are required unless there is a medical or religious reason why these immunizations should not be administered. The judgment of the family's physician with regard to whether there is a medical reason why immunization should not be administered shall be respected.

- Diphtheria
- Pertussis

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- Tetanus
- Poliomyelitis
- Measles
- Rubella
- Mumps

The investigative worker shall give the parents 30 days to begin the required immunization series.

Factors to be Considered

- child's age, particularly as it relates to the ability to obtain treatment.
- child's developmental stage.
- child's physical condition.
- seriousness of the current health problem.
- probable outcome if the current health problem is not treated and the seriousness of that outcome.
- generally accepted medical benefits of the prescribed treatment.
- generally recognized side effects/harms associated with the prescribed treatment.

It must be verified that the child has/had an untreated health problem, or that a prescribed treatment plan was implemented, or that the child has not started to receive immunizations required by State law within the 30-day period. Such verification must come from a physician, registered nurse, dentist, or by a direct admission from the alleged perpetrator. It must further be verified by a physician, registered nurse or dentist that the problem or condition, if untreated, could result in serious or long-term harm to the child.

No Allegation

Failure to Thrive (Priority I) (Non-Organic)

A serious medical condition most often seen in children under one year of age. The child's weight, height and motor development fall significantly short of the average growth rates of normal children (i.e., below the fifth percentile). In about 10% of these cases, there is an organic cause such as a serious kidney, heart, or intestinal disease, a genetic error of metabolism or brain

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damage. All other cases are a result of a disturbed parent-child relationship manifested in severe physical and emotional neglect of the child. Non-organic failure to thrive requires a medical diagnosis before it may be indicated.

Verification of failure to thrive must come from a physician.

Environmental Neglect (Priority III)

The child's person, clothing, or living conditions are unsanitary to the point that the child's health may be impaired. This may include infestations of rodents, spiders, insects, snakes, etc., human or animal feces, rotten or spoiled food or rotten or spoiled garbage which the child can reach.

Factors to be Considered

Special attention should be paid to the child's physical condition and the living conditions in the home in order to determine whether the report constitutes an allegation of harm. In addition, the following factors should be considered.

Child Factors

- child's age (children aged 6 and under are more likely to be harmed).
- child's developmental stage.
- child's physical condition.
- child's mental abilities.

Incident Factors

- severity of the conditions.
- frequency of the conditions.
- duration of the conditions.
- chronicity or pattern of similar conditions.

Malnutrition (Priority I) (Non-Organic)

Lack of necessary or proper food substances in the body caused by inadequate food, lack of food, or insufficient amounts of vitamin or minerals. (Also known as marasmus or

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(kwashiorkor.) Non-organic malnutrition requires a medical diagnosis before it may be indicated. There are various physical signs of malnutrition:

- A decrease in lean body mass or fat; very prominent ribs; the child may often be referred to as skin and bones.
- The hair is often sparse, thin, dry, and is easily pulled out or falls out spontaneously.
- The child is often pale and suffers from anemia.
- Excessive perspiration, especially about the head.
- The face appear lined and aged, often with a pinched and sharp appearance.
- The skin has an old, wrinkled look with poor turgor. (Classically, skin folds hang loose on the inner thigh and buttock.)
- The abdomen is often protuberant.
- There are abnormal pulses, blood pressure, stool patterns, intercurrent infections, abnormal sleep patterns and a decreased level of physical and mental activity.

Verification of malnutrition must come from a physician.

Lock-Out (Priority II)

The parent or caretaker caregiver has denied the child access to the home and has refused or failed to make provisions for another living arrangement for the child.

Medical Neglect of Disabled Infants (Priority I)

The withholding of appropriate nutrition, hydration, medication or other medically indicated treatment from a disabled infant with a life-threatening condition. Medically indicated treatment includes medical care which is most likely to relieve or correct all life-threatening conditions and evaluations or consultations necessary to assure that sufficient information has been gathered to make informed medical decisions. Nutrition, hydration, and medication, as appropriate for the infant's needs, is medically indicated for all disabled infants. Other types of treatment are not medically indicated when:

- the infant is chronically and irreversibly comatose.

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- the provision of the treatment would be futile and would merely prolong dying.
- the provision of the treatment would be virtually futile and the treatment itself would be inhumane under the circumstances.

In determining whether treatment will be medically indicated, reasonable medical judgments, such as those made by a prudent physician knowledgeable about the case and its treatment possibilities, will be respected. However, opinions about the infant's future "quality of life" are not to bear on whether a treatment is judged to be medically indicated.

Factors to be Considered

- infant's physical condition.
- seriousness of the current health problem.
- probable medical outcome if the current health problem is not treated and the seriousness of that outcome.
- generally accepted medical benefits of the prescribed treatment.
- generally recognized side effects/harms associated with the prescribed treatment.
- the opinions of the Infant Care Review Committee (ICRC), (if the hospital has an ICRC).
- the judgment of the Perinatal Coordinator regarding whether treatment is medically indicated and whether there is credible evidence of medical neglect.
- the parent's knowledge and understanding of the treatment and the probable medical outcome.

Verification that treatment was medically indicated must come from a physician and may come from experts in the field of neonatal pediatrics.

(Source: Amended at 19 Ill. Reg. 10522, effective

JUL 1 1985)

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1) Heading of the Part: Service Appeal Process

2) Code Citation: 89 Ill. Adm. Code 337

3) Section Numbers: Adopted Action:

337.10 Amend
337.20 Amend
337.60 Amend
337.70 Amend

4) Statutory Authority: The Children and Family Services Act (20 ILCS 505/4).

5) Effective Date of Rulemaking: July 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 1, 1995

9) Notice of Proposal Published in Illinois Register: March 24, 1995, 19 Ill. Reg. 3719

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: Minor editing changes were made in accordance with the recommendations from the Joint Committee on Administrative Rules and the Administrative Code Unit. Other changes were made in response to public comments and Department decisions.

Section 337.20 Definitions

"Child welfare services", struck through the word "caregiver" in the last paragraph and replaced it with the word "caretaker".

"Relative", struck through the definition and replaced it with the following definition for "Relative":

"Relative," for purposes of placement of children for which the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or

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- is the spouse of such a relative, or

- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. (20 ILCS 505/7(b)).

"Services", added an "A." immediately after "C." in the Federal Code citation.

Section 337.70

a)(7), added "or" immediately after "child:".

b)(1)(d), strike out "relative(s)" and "unrelated".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The Department is proposing relative home placement reforms that remove the presumption that relatives will receive preference when the Department seeks to place a child in substitute care. The primary consideration in placing children will be the best interest of the child. Therefore, language in this Part which allows relatives to appeal the denial of placement of a related child is being deleted.

16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station #222
Springfield, IL 62701-1498
(217) 524-1983 or TDD: (217) 524-3715

The full text of the Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 337

SERVICE APPEAL PROCESS

Section	Purpose
337.10	Definitions
337.20	The Service Appeal Process
337.30	Department and Provider Agency Responsibilities on Appealable Issues
337.40	The Right to a Service Appeal
337.50	Who May Appeal
337.60	What May Be Appealed
337.70	What May Not Be Appealed
337.80	Notices of Department or Provider Agency Decisions
337.90	How to Request a Service Appeal
337.100	Grounds for Dismissal of a Service Appeal Request
337.110	Time Frames for the Service Appeal Process
337.120	Continuing Services During the Service Appeal Process
337.130	Confidentiality During the Service Appeal Process
337.140	Notice Concerning a Service Appeal
337.150	Abandonment of a Service Appeal
337.160	Fair Hearing Appeal Rights
337.170	The Administrative Law Judge
337.180	Record of a Fair Hearing
337.190	Combined Hearings
337.200	Continuances Requested in a Combined Hearing
337.210	The Final Administrative Decision
337.220	Who Receives a Copy of the Final Administrative Decision
337.230	Notice of the Availability of Judicial Review
337.240	Severability of This Part
337.250	

AUTHORITY: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5].

SOURCE: Adopted at 17 Ill. Reg. 1046, effective January 15, 1993; amended at 19 Ill. Reg. 7175, effective June 1, 1995; amended at 19 Ill. Reg. 10557, effective JUL 1 1995.

Section 337.10 Purpose

This Part governs ~~these rules govern~~ the service appeal process for child welfare services provided either directly or through a provider agency. Persons who may appeal through this process may include persons requesting or receiving services, and as governed by this Part, foster parents, and relative caregivers, ~~and relatives denied the placement of a related child.~~

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Source: Amended at 19 Ill. Reg. 10557, effective JUL 1 1995

Section 337.20 Definitions

"Adequate Notice" means a notice which contains all of the elements identified in Section 337.90 (c) of this Part.

"Administrative Hearings Unit" means the Department's unit responsible for receiving requests for and acting upon a service appeal and conducting fair hearings on appeal.

"Administrative law judge" means an attorney who is appointed by the Director of the Department and who is responsible for conducting the fair hearing.

"Administrator of the Administrative Hearings Unit" means the person who is responsible for receiving requests for a service appeal and for coordinating the fair hearings.

"Appellant" means the person who requests a service appeal or on whose behalf a service appeal is requested.

"Authorized representative" means a person authorized in writing by the appellant to assist the appellant in the appeal process. If the appellant is unable to reduce such authorization to writing, the Department shall assist the appellant in doing so. The representative may be legal counsel or other spokesperson.

"Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:

protecting and promoting the welfare of all children, including homeless, dependent, or neglected children;

preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;

restoring to their families children who have been removed by the provision of services to the child and the families;

placing children in suitable adoptive homes, in cases where

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restoration to the biological family is not possible or appropriate;

assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption;

providing supportive services and living maintenance which contributes to the physical, emotional and social well-being of children who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home; or

who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings.

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. ~~1111-Rev-Stat-1991-Ch-23-Par-5055~~ [20 ILCS 505/5].

These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker ~~caregiver~~, family planning, adoption, visitation, placement, child protection and information and referral.

"Date of action" means the effective date of the action or proposed action by the Department or provider agency which resulted in the appeal.

"Date of appeal" means the postmark date or date of receipt of appellant's written request for an appeal, whichever is earlier, at the address specified in the notice.

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"Date of notice" means the date on which the appellant receives written notice of the Department's intended action or decision or the date on which the appellant learns of the intended action or decision, if a written notice was not provided.

"Day care services" means care provided to children for less than 24 hours per day in facilities requiring licensure under the Child Care Act of 1969 ~~1111-Rev-Stat-1991-Ch-23-Par-2311-et-seq~~ [225 ILCS 10] in facilities exempt from licensure, in the home(s) of relatives, or in their own home.

"Department representative" means the designated individual responsible for presenting the Department's position in an emergency review and fair hearing.

"Emergency review" means a limited review of the actions or decisions of the Department or provider agency which may adversely affect an individual or individuals served by the Department. An emergency review provides for an interim decision pending a fair hearing.

"Fair hearing", as used in this part, means a formal review of the action or decision of the Department or provider agency to determine whether such action or decision was in compliance with applicable laws and rules and in the best interests of the child.

"Family" means the biological or adoptive parents (provided a court has not terminated parental rights), legal guardian, or any relative who has assumed custody and control of the child in the absence of the child's biological or adoptive parents.

"Final administrative decision" means the Department's final decision, order, or determination on an appealed issue rendered by the Director in a particular case which affects the legal rights, duties or privileges of appellants and which may be appealed in a circuit court under the Administrative Review Law ~~1111-Rev-Stat-1991-Ch-1197~~ ~~part-3-1011~~ [735 ILCS 5/Art. III].

"Imminent risk of harm" means that individuals' actions, omissions or conditions endanger the life, or seriously jeopardize the physical or mental health or safety of themselves or others, if protective action would not be taken immediately.

"Individual legally acting on a person's behalf" means an individual who has been appointed by a court to act on behalf of a person when the person is incompetent, incapacitated, or otherwise unable to speak for himself or herself.

"Mediation" means a meeting open to all parties affected by the

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decision being appealed to attempt agreement on the issue in dispute with a mediator, who assists the parties in resolving issues and drawing up an agreement.

"Mediator" means a neutral third party appointed by the Director of the Department who conducts the mediation and assists the parties in resolving issues and drawing up an agreement.

"Parties" means the Department or its agents and those persons who have appealed the service decision(s) made by the Department or its agents.

"Preponderance of the evidence" means the greater weight of the evidence or evidence which renders a fact more likely than not.

"Provider agency" means an agency offering case management and/or casework services through a signed contract with the Department for paid services.

~~Relative means any person who has any of the following currently existing relations to a child by blood or adoption: grandfather, grandmother, great-grandfather, great-grandmother, great-uncle, great-aunt, brother, sister, uncle, aunt, nephew, niece, first cousin, great-uncle, or cousin.~~

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. (20 ILCS 505/7(b)).

"Request for an appeal" means the written request by an appellant for a fair hearing to review an action taken or a decision made by the Department or a provider agency on behalf of the Department. If the appellant is unable to request an appeal in writing, the Department or provider agency shall help the appellant put the request in writing.

"Reviewer" means the person appointed by the Department to conduct an emergency review.

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"Service appeal process" means the appeal system offered by the Department to review appealable service issues raised by appellants.

"Services" means child welfare or day care services, including placement services or benefits provided by the Department or its provider agencies under Titles IV and XX of the Social Security Act (42 U.S.C.A. 855e- Section 601 et seq. and 1397 et seq.) or the Laws of the State of Illinois.

"Stay of action" means the action or decision made by the Department or its provider agency will not be implemented pending an emergency review or final administrative decision by the Department.

"Timely written notice" means a notice which complies with the requirements of Section 337.90 (b) of this Part.

Source: Amended at 19 Ill. Reg. **10557**, effective **JUL 1 1995**.

Section 337.60 Who May Appeal

- a) The following persons may appeal decisions made by or on behalf of the Department in accordance with Section 337.70 of this Part:
 - 1) families and children who receive child welfare services, either directly from the Department or through its provider agency;
 - 2) families and children requesting child welfare services from the Department; or
 - 3) foster parents or relative caregivers who have care and custody of a child for whom the Department is legally responsible; or
 - 4) ~~relatives denied placement of a related child for whom the Department is legally responsible~~
 - b) The appeal may be requested by:
 - 1) families and children who receive child welfare services, either directly from the Department or through its provider agency;
 - 2) families and children requesting child welfare services from the Department;
 - 3) foster parents or relative caregivers who have care and custody of a child for whom the Department is legally responsible;
 - 4) ~~relatives denied placement of a related child for whom the Department is legally responsible~~
- 5+4) the authorized representative of any of the above persons; or
- 6+5) an individual who has been appointed by a court to legally act on behalf of the above parties including the guardian ad litem for a child; when monetary claims are at issue, an individual appointed by the court as administrator of the estate of a person acting in a similar capacity may appeal for the deceased person. A certified copy of the court's order must be provided as authorization to represent such persons unless the appointment is

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as a Guardian Ad Litem in Juvenile Court.

- 2) If an appellant has an authorized representative or an individual legally acting on the appellant's behalf, that representative or individual may exercise the rights of the party in the mediation or emergency review and the fair hearing. These rights include the right to review and copy case materials pursuant to 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department, to receive Department notices, to speak in the mediation or emergency review and the fair hearing, and to take any other actions permitted an appellant in this Part.

Source: Amended at 13 Ill. Reg. **10557**, effective

JUL 1 1995

Section 337.70 What May Be Appealed

- 3) By Families and Children

Families and children may appeal the following issues:

- 1) the denial, in whole or in part, of child welfare or day care services in accordance with 89 Ill. Adm. Code 303, Access to and Eligibility for Day Care Services, requested by families, children, or an individual legally appointed to represent a minor, incompetent or incapacitated person or the failure of the Department or its provider agency to decide, within 30 calendar days of the date of the request, whether to grant or deny services requested by the parents or children;

- 2) a decision to reduce, suspend or terminate services;

- 3) the choice of a permanency goal or the denial of a request for a change in permanency goal;

- 4) the failure to complete a service plan within 30 calendar days of case opening or the failure to review the service plan within the Department's specified time frames;

- 5) the failure to provide services as specified in the service plan with reasonable promptness or within the time frames as provided in the service plan;

- 6) the frequency or length of family visitation, or failure to arrange parent-child visits when the child is placed out of the home and parental rights have not been terminated, and the frequency or length of sibling visits when children are placed apart;

- 7) a change in the placement of the child; or
- 8) the imposition of unnecessary services or conditions as part of a service plan.

- 9) ~~a denial of a relative's request for placement with that relative of a child for whom the Department is legally responsible.~~

- 4) By Foster Parents and Relative Caregivers

- 1) Foster parents may appeal the following issues:

- A) decisions made by the Department or its provider agency

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which directly affect the foster parent, such as payment issues, as defined in 89 Ill. Adm. Code 359, Authorized Child Care Payments;

- 3) Decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical, educational, and psychological services;

- C) Failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and

- D) a change in the child's substitute care placement. This does not include placement with the biological or adoptive parent(s), ~~relative(s)~~ or sibling(s), placements for purposes of adoption as ordered by the court, or return to an ~~unrelated~~ individual(s) with whom the child resided prior to entering substitute care.

- 2) Relative caregivers may appeal the following issues:

- A) decisions made by the Department or its provider agency that directly affect the relative caregiver, such as payment issues as defined in 89 Ill. Adm. Code 359, Authorized Child Care Payments;

- 3) Decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical, educational, and psychological services;

- C) Failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and

- D) a change in the child's substitute care placement. This does not include placement with the biological or adoptive parent(s), placements for purposes of adoption as ordered by the court, or return to an unrelated individual(s) with whom the child resided prior to entering substitute care.

- 3) Foster parents and relative caregivers have the right to be heard by the Bureau of Quality Assurance on issues specified in 89 Ill. Adm. Code 305, Client Service Planning, Section 305.80, Decision Review, which issues are not appealable under this Part. However, they will not be considered a party to the service appeal on issues which may affect residual parental rights and responsibilities. These include, but are not limited to, issues regarding the child's return home, family visitation, the right to consent to adoption, the right to determine the minor's religious affiliation and other issues which do not directly affect the foster parents themselves or their roles as caregivers of the child. The residual rights and responsibilities of parents are further defined in Section ~~401-3~~ 1-3 of the Juvenile

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Court Act of 1987 (Ill. Rev. Stat. 1991, ch. 37, par. 981-3) [105 ILCS 405/1-3].

By Relatives
Relatives who are denied placement of a related child may appeal the denial.

Source: Amended at 19 Ill. Reg. 10557, effective
JUL 1 1995

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NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Commercial Fishing in Lake Michigan

2) Code Citation: 17 Ill. Adm. Code 850

3) Section Numbers: Adopted Action:

350.10	Amendments
350.20	Amendments
350.25	New Section
350.30	Amendments
350.40	Amendments
350.50	Amendments
350.80	Amendments

4) Statutory Authority: Implementing and authorized by Sections 1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5 of the Fish and Aquatic Life Code (515 ILCS 5/1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5).

5) Effective Date of Rulemaking: July 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: June 30, 1995

9) Notice of Proposal Published in Illinois Register: April 7, 1995, 19 Ill. Reg. 5180

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

In the Main Source Note, the emergency actions effective in 1985, 1992 and 1993 were changed to "emergency amendment" and "emergency expired December 31, 1992;" was removed.

In Section 850.50(c), the citation was changed to read: "625 ILCS 45."

In Section 850.50(i), the name of the Act was corrected to read: "Illinois Fish and Aquatic Life Code."

In Section 850.50(j), the name of the Act was corrected to read: "Illinois Fish and Aquatic Life Code."

In Section 850.80(c), the name of the Act was corrected to read: "Illinois Fish and Aquatic Life Code."

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(2) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

(3) Will this rulemaking replace an emergency rule currently in effect? Yes

Section Numbers	Proposed Action	Illinois Register Citation
350.20	Amendments	13 Ill. Reg. 5257 - 4/7/95
350.25	Amendments	13 Ill. Reg. 5257 - 4/7/95
350.30	Amendments	19 Ill. Reg. 5257 - 4/7/95

(4) Are there any amendments pending on this Part? No

(5) Summary and Purpose of Rulemaking: The yellow perch population is experiencing a dramatic decline in abundance. Amendments to this Part will protect existing stocks and extend harvest and recruitment opportunities.

(6) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217) 782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER D: FISH AND WILDLIFE

PART 850

COMMERCIAL FISHING IN LAKE MICHIGAN

Section	Introduction
350.5	Possession and Identification of Gear
350.10	Quota
350.20	Seasons
350.25	Restricted Commercial Fishing Areas
350.30	Limited Entry
350.40	License Eligibility and License Provisions
350.50	Application for License
350.60	Suspension or Revocation
350.80	

AUTHORITY: Implementing and authorized by Sections 1-10, 1-40, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5 of the Fish and Aquatic Life Code 515 ILCS 5/1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5.

SOURCE: Adopted at 3 Ill. Reg. 44, p. 46, effective November 1, 1979; codified at 6 Ill. Reg. 877; amended at 6 Ill. Reg. 3846, effective March 31, 1982; amended at 7 Ill. Reg. 2711, effective March 2, 1983; amended at 8 Ill. Reg. 7220, effective May 15, 1984; emergency amendment at 9 Ill. Reg. 4854, effective April 2, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 6179, effective April 23, 1985; amended at 10 Ill. Reg. 9789, effective May 21, 1986; amended at 12 Ill. Reg. 7996, effective April 25, 1988; amended at 16 Ill. Reg. 11029, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 12626, effective July 24, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18967, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 17263, effective September 23, 1993, for a maximum of 150 days; emergency expired February 20, 1994; amended at 18 Ill. Reg. 5834, effective April 5, 1994; emergency amendment at 19 Ill. Reg. 5257, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. **10568**, effective

JUL 1 1995

Section 850.10 Possession and Identification of Gear

- a) Licensed commercial fishermen may take bloater chub and yellow perch in Lake Michigan only with gill nets that have meshes of not more than 2-3/4 inch diagonal stretched measurement nor less than 2-3/8 inch diagonal stretched measurement. All gill nets used to take such fish in the Illinois waters of Lake Michigan shall not have a vertical width of more than twenty (20) meshes.
- b) Gill nets found on any vessels not conforming to the 2 3/8 through

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2 3/4 inch diagonal stretched measurement requirement shall be prima facie evidence that such nets are illegally used and subject to confiscation and disposition [515 ILCS 5/1-215].

- c) It shall be unlawful to set any legal gill net in Lake Michigan unless such net is properly marked at each end with a buoy having a staff of not less than 6 feet in height to which a colored flag is secured, and the name, city or town of residence, and the license number of the licensee is attached to the flag, staff, or upper surface of the bowl of each buoy attached to the ends of the net. In addition, during the period from April 1 through October 31 all commercial gill nets placed in waters of 20 fathoms or less in depth shall have placed within 25 feet of the net at intervals of not more than 3600 feet a float not less than 3 gallons in size with 50% of the outer surface colored in orange. During the period from December 1 through March 31 only, wooden boards of at least 8 feet in length may be used at the ends of the net and must also comply with the marking provisions as defined in this Section.

Source: Amended at 19 Ill. Reg. 10568, effective JUL 1 1995

Section 850.20 Quota

- a) Harvest quotas will be reviewed annually and will be established by the Department for each license fishing year taking into consideration the condition and supply of Lake Michigan fish stocks.

- b) For each license year beginning April 1st and ending March 31st, annual total harvest quota of 120,000 pounds (round weight) of yellow perch and 125,000 pounds (dressed weight) of bloater chubs will be permitted. These annual total harvest quotas shall be divided equally among each licensee at the beginning of each license year. Upon reaching their share of the annual harvest quota for each species, each commercial license holder shall terminate fishing for that species for the remainder of the current license year. It shall be unlawful to possess other species except smelt and alewife incidentally caught in bloater chub and yellow perch gill nets, fished in compliance with this Part and the Illinois Fish and Aquatic Life Code. All other species must be removed immediately from the gill nets as they are brought on board the vessel and returned to the water at once in the same condition as taken.

(Source: Amended at 19 Ill. Reg. 10568, effective JUL 1 1995)

Section 850.25 Seasons

The commercial harvest of yellow perch is prohibited from June 1 through June 30, inclusive, annually. All yellow perch incidentally caught in gill nets

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during this time must be removed immediately from the gill nets as they are brought on board the vessel and returned to the water at once in the same condition as taken.

(Source: Added at 19 Ill. Reg. 10568, effective JUL 1 1995)

Section 850.30 Restricted Commercial Fishing Areas

- a) During the months of July and August, commercial gill net fishing may be undertaken anywhere in the Illinois portion of Lake Michigan outside of the 1,000 yard distance from any pier, breakwater, or similar structure, or the low water mark on the shore. From the months of September through May, inclusive, commercial fishermen must fish in water depths of at least 5 fathoms (30 feet) or deeper to minimize incidental catch of salmon and trout.

- b) The following described area in Lake Michigan is established as fish refuge and it shall be unlawful for any person to place any commercial fishing device in it: all waters on or adjacent to any area commonly referred to as Julian's Reef, located in a general area bounded by 42°15'00" north latitude on the north, 87°29'00" west longitude on the east, 42°11'00" north latitude on the south and 87°35'00" west longitude on the west, on U.S. lake survey navigational chart #75, edition of April 1972 (National Oceanic and Atmospheric Administration).

- c) During the months of August and September, all gill nets set in the Illinois portion of Lake Michigan in waters up to 20 fathoms (120 feet) in depth shall not be set prior to sunrise and must be removed from the water prior to sunset on the same day.

- d) During the month of June, all gill nets must be placed in waters greater than 20 fathoms (120 feet) in depth to minimize the incidental catch of yellow perch.

(Source: Amended at 19 Ill. Reg. 10568, effective JUL 1 1995)

Section 850.40 Limited Entry

- a) The Department shall issue 5 commercial licenses for taking yellow perch and bloater chub. Each licensee may fish only with the fishing vessel designated on each license. Five licenses shall be issued for the fishing year that began April 1, 1992, and the Department shall issue licenses from time to time so that 5 valid licenses are always outstanding at any one time.

- b) Allocation of commercial fishing licenses was determined by a public drawing conducted June 27, 1975. The ranking order in this drawing has been used for expanding numbers of fishing licenses subsequently. Each commercial fishing license for the 1992 fishing year and

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hereafter shall be issued as follows:

- 1) All valid licenses held by individuals or corporations as of April 1, 1992 shall remain in full force and effect.

- 2) Thereafter, licenses shall be issued as necessary to reach and maintain a total of 5 outstanding licenses as follows:

- A) First, to any individual or corporation as described in Section 850.50 who was licensed through a harvest contract pursuant to the public lottery drawing conducted by the Director on June 27, 1975, but such individual or corporation did not hold a valid commercial license for whatever reason on April 1, 1992; provided, that the contractor shall have served any stated period of any license suspension or revocation established by an order of the Director. Among those individuals or corporations that meet the criteria under this item, priority shall be given to the individual or corporation that has been without a valid commercial license for the longest period of time (ILCS 5/15-32).

- B) Second, to any other individual or corporation entrant who had his specific name drawn in the public lottery drawing conducted by the Director on June 27, 1975 but was not licensed as a harvest contractor at that time or thereafter.

- C) Third, if there are insufficient license applicants available at the beginning of any fishing year who meet the requirements for license under this Section for the Director to issue 5 licenses, the Director shall order and conduct a new public lottery drawing before the commencement of the fishing year and shall draw his applicant list from a roster of qualified operators. Should an eligible candidate whose name is reached on the list for license elect not to receive a license or in the event a licensee's license is revoked for cause, then that eligible applicant or licensee shall be deleted from the eligible list then in effect.

(Source: Amended at 19 Ill. Reg. **10568**, effective **JUL 1 1995**)

Section 850.50 License Eligibility and License Provisions

Lake Michigan Commercial Fishing License commences April 1st and expires March 31st and shall be valid for a period of 3 years. To be eligible for a license to fish commercially during a given fishing license year, the applicant, license holder, must meet the following requirements:

- a) Be an individual who has actually resided in Illinois for one year immediately preceding his application for a license to be allowed to fish commercially and who does not claim residency for commercial fishing purposes in another state or country.
- b) Be a corporation incorporated in Illinois for at least one year

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immediately preceding the application for a license to fish commercially during a given fishing year, or a corporation incorporated in Illinois by a currently licensed Lake Michigan Commercial Fisherman.

- 1) All stockholders of such corporations shall have been Illinois residents for at least one year immediately prior to owning any stock or interest in said corporation, and remain in Illinois residents as long as they own such stock or interest.

- 2) Individuals licensed as Lake Michigan Commercial Fisherman who wish to place the license into corporate control must own a controlling interest in the corporation (owns or controls more than 50%) at the time of transfer. Such corporations need not have been in existence for one year, but must meet all other requirements.

- 3) All transfer of ownership interest in said corporation must be reported to the Department within ten (10) days of transfer.

- 4) No such corporation may be wholly or partially owned by another corporation, and no individual shall own any part of more than one business entity holding a Lake Michigan Commercial Fishing license.

- 5) Have ownership or legal control of a vessel of at least 12 net tons as documented by the U. S. Coast Guard, showing an Illinois port of registration, having valid United States Coast Guard documentation in full force and effect, and in compliance with all state requirements established for such vessels in the Boat Registration and Safety Act (625 ILCS 45). Any request for redesignation of a fishing vessel to be used by the license holder must be submitted in writing to and approved in writing by the Chief, Division of Fisheries. Approval will be granted if the requested vessel meets the U.S. Coast Guard documentation requirements and the license holder has a valid reason for redesignation such as loss or damage of the designated vessel or purchase of another vessel. Such requests must clearly state the reasons for redesignation and the anticipated period of use and shall be accompanied by a copy of the United States Coast Guard document for the requested vessel. Use of the vessel designated in Illinois for commercial fishing purposes in another state shall, upon verification, nullify the designated status of the vessel for commercial fishing purposes in Illinois.

- d) Have at least 6,000 feet of properly licensed gill netting possessing a diagonal stretched mesh measurement between 2-3/8 inches through 2-3/4 inches.

- e) Agree to keep accurate daily records of his catch and must submit catch reports monthly due to the Department by the 15th day of the following month on forms furnished by the Department (whether licensee did or did not catch fish). All monthly catch reports must be signed by the licensee or corporate chief executive officer. Failure to submit the required catch reports shall be grounds for suspension or revocation of the Lake Michigan Commercial Fishing License.

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- f) Submit a yearly operational plan by months clearly identifying the port from which his vessel will operate and the exact location at which all harvested fish will be transferred from the vessel to shore. Transfer of fish from the license vessel to another vessel or to shore at any other location not identified in the yearly operational plan shall be grounds for suspension or revocation of the Lake Michigan commercial fishing license.
- g) Commercially fish at least 40% of the annual license quota per license fishing year.
- h) Permit Department biologists and Conservation Police Officers to obtain information from fish harvested such as lengths, weights, scale samples, sex, etc., as deemed necessary for management of Lake Michigan fish stocks.
- i) License all of his commercial equipment as required by the Illinois Fish and Aquatic Life Code and this Part. A license holder shall not fish under the commercial fishing license of another person.
- j) The captain of commercial fishing crews on board the vessel must be a resident of the State of Illinois in accordance with the definition in Section 1.3 of the Illinois Fish and Aquatic Life Code.
- k) The licensee shall notify the Chief, Division of Fisheries, of any changes (except captain) in commercial fishing crew members in writing within 14 days after the change. Changes in captains requires prior written Department approval by the Chief, Division of Fisheries, and all such requests must be submitted in writing to the Chief, Division of Fisheries. Approval will be given if the Captain meets the requirements set forth in this Section.
- l) A copy of the Lake Michigan Commercial Fishing license and a current listing of the captain and designated crew must be kept on board the fishing vessel at all times during the commercial fishing operations.
- m) The licensee or the designated captain of the commercial fishing crew must be on board the vessel at all times during the commercial fishing operations. The licensee shall remain responsible for all obligations owed to the State of Illinois relating to the license, whether the licensee is on board the vessel or not.

(Source: Amended at 19 Ill. Reg. **10568**, effective JUL 1 1995)

Section 850.80 Suspension or Revocation

- a) In accordance with 515 ILCS 5/20-105, violations of the following provisions will result in suspension or revocation of the Lake Michigan commercial fishing license for a period of not less than one (1) year:
- 1) Taking and possessing any species other than bloater chub, yellow perch, smelt and alewife;
 - 2) Use of any commercial fishing devices other than gill nets having meshes not more than 2 3/4 inch diagonal stretched measurement

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- nor less than 2 3/8 inch diagonal stretched measurement:
- 3) Commercial fishing in a restricted area;
 - 4) Falsification of license eligibility requirements and/or application for license information;
 - 5) Failure to submit catch reports or submitting falsified catch reports;
 - 6) Exceeding harvest quota;
 - 7) Transferring fish from the license vessel to other vessels or to shore at any other location not identified in the yearly operational plan;
 - b) Violation of 850.50(k) (failure to commercially fish at least 40% of annual license quota per license year) shall result in revocation of the Lake Michigan Commercial Fishing License, unless the licensee has been suspended for a period of one year or longer under provisions of Section 850.80 of this Part. The licensee shall have his name deleted from the current list of eligible candidates.
 - c) Violations of any other provisions of the Lake Michigan Commercial Fishing Rule or the Illinois Fish and Aquatic Life Code pertaining to commercial fishing on Lake Michigan may also result in suspension or revocation of the Lake Michigan commercial fishing license.
 - d) An act or omission which constitutes a violation hereunder committed by an officer, employee or agent of a corporation shall be deemed the act or omission of the corporation, and the employee, agent, officers and shareholders may be suspended from engaging in Lake Michigan Commercial Fishing or owning any part of or being employed by such corporation for a period not to exceed five years, in addition to the suspension or revocation of the Lake Michigan Commercial Fishing license.
 - e) In the event of a license suspension, the suspended licensee shall not be permitted to apply for a Lake Michigan commercial fishing license until the period of suspension has expired. In the event of a revoked license, the revoked licensee shall forfeit his license and shall have his name deleted from the list of eligible candidates. Revoked licensees shall not be permitted to apply for a Lake Michigan commercial fishing license until the period of revocation has expired. Revoked licensees making reapplication for a license shall be subject to all licensing provisions at the time of reapplication and shall have their name added to the current list of eligible candidates according to the lottery procedures as described in Section 850.40(b).
 - f) The procedure by which suspensions and revocations are made: the rights of licensees to notice and hearing; and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530 (Rules governing Department Formal Hearings conducted for Rule-Making and Contested Cases).

(Source: Amended at 19 Ill. Reg. **10568**, effective JUL 1 1995)

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NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Crow, Woodcock, Snipe, Rail and Teal Hunting

2) Code Citation: 17 Ill. Adm. Code 740

3) Section Numbers: Adopted Action:

740.20 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

5) Effective Date of Rulemaking: July 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: June 30, 1995

9) Notice of Proposal Published in Illinois Register: April 21, 1995, 19 Ill. Reg. 5905

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

In the Main Source Note, following the amendments effective in 1982 and 1984, the commas were changed to semi-colons and "emergency amendment" was changed to "emergency amendments" for 1987.

In Section 740.20(c), Moraine View, "sites" was changed to "site's" and the semi-colon following "pheasant season" was changed to a comma.

In Section 740.20(d), Des Plaines, the period following "sites" was changed to a semi-colon, and "The" was placed in lower case letters.

In Section 740.20(e)(2), Green River, "Statewide" was placed in lower case letters.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

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15) Summary and Purpose of Rulemaking: This Part was amended to standardize site specific regulations and hours.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 740

CROW, WOODCOCK, SNIPES, RAIL AND TEAL HUNTING

Section

740.10 Statewide Regulations

740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 3815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11820, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired on January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. **10577**, effective

JUL 1 1995

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.
- b) Woodcock, snipe and rail hunting: statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck waterfowl season)

Big Bend State Fish and Wildlife Area Conservation Area

Big River State Forest

Cache River State Natural Area

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Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season closes 3-days-before-waterfowl-season-in-subimpoundment-area)

Shaunsey Marsh (permit required; may be obtained at Red-Hills State Park; must be returned by February 15; no hunting in dedicated-Nature-Preserve)

Crawford County Conservation Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhurst Branch only)

Ferrie Clyffe State Park

St. de Chartres Historic Site (hunting with muzzle loading shotgun only)

St. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m. statewide-closing)

Horseshoe Lake Conservation Public-Hunting Area (Alexander County) (Public hunting area except closed on controlled goose hunting area)

I-24 Wildlife Management Area

Monrovia County Wildlife Management Conservation Area (season closes the day before permit pheasant season: 4:00 p.m. daily closing; sign in, but required closes at 4:00 p.m. the day before permit pheasant season 8:00 a.m. to 4:00 p.m. hunters must check out and report harvest)

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110 closed 1st weekend-----Saturday and Sunday--of--October--regain-opening-to-4:00-p.m.)

Kankakee River State Park (woodcock only; during the controlled

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pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Kankakee River State Park October 1 day before pheasant season 9:00 a.m. 3:00 p.m. hunters must check in check out required within 15 minutes of completing hunt 800 issued back patch must be worn while hunting pheasant season hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 Rabbit Hunting when pertain to Kankakee River State Park no snipe or rati hunting

Kankakee River State Fish and Wildlife Area (closes 3 days before waterfowl season in Doza Creek Waterfowl Management Area closed 7 days prior to waterfowl season)

Kankakee State Park 9:00 a.m. to 4:00 p.m. closed during firearm deer season no snipe or rati hunting

Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville Kankakee and West Okaw Wildlife Management Area
Marshall's Wildlife Area (woodcock only: Monday - Thursday only through October closed Friday Saturdays and Sundays through October 30 no rati or snipe hunting)

Mermet Lake Fish and Wildlife Area

Middle Park Fish and Wildlife Area 9:00 a.m. to 4:00 p.m. closed during firearm deer season no snipe or rati hunting

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, and 19

Mississippi River Pools 21, 22 and 24, 25 and 26

Notre Dame State Park closes at 4:00 p.m. on day before state's pheasant season 9:00 a.m. to 4:00 p.m.

Newton Lake State Fish and Wildlife Area hunting allowed in portions open to rabbit hunting only during period coinciding with rabbit season 9:00 a.m. to 4:00 p.m. no hunting during firearm deer season

Oakford Conservation Area

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Panther Creek Conservation Area

Peabody River King State Fish and Wildlife Area (West sub-unit only)

Pike County Conservation Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area B)

Pyramid State Park

Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. - 4:00 p.m.)

Randolph County Conservation Area (woodcock only no rati hunting)

Red Hills State Park (statewide hours until rabbit season, then 8:00 a.m. - 4:00 p.m. statewide closing)

Rend Lake Project Lands and Waters

Rice Lake Wildlife Area (season open during teal season only; sunrise until 1:00 p.m. 7 hours are sunrise until noon no woodcock hunting)

Saline County Fish and Wildlife Conservation Area (statewide hours until rabbit season then 8:00 a.m. to 4:00 p.m.)

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season, woodcock and snipe hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 Rabbit Hunting which pertain to Sand Ridge State Forest no rati hunting)

Sangamon County Conservation Area

Sangamon State Fish and Wildlife Conservation Area

Shawnee National Forest

State M-hunters must sign in and out at the check station hunters are restricted to the non-fee portion of the site during pheasant season parking is permitted in designated areas only

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Stephen A. Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sunspot Mine (Patton and Schuyler Counties)

Tapley Woods State Natural Area (closed during firearm deer season)

Ten Mile Creek State Fish and Wildlife Area (permits restricted areas designated as Refuge are closed to all access during Canada Goose Season only; permit must be returned by February 15 to Statewide Wildlife Manager; P.O. Box 313, Olney, IL 62450)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area Unit only)

Washington County Conservation Area (woodcock only no other hunting)

Weinberg-King State Park

Wildcat Hollow State Forest

Witkowsky State Wildlife Area

- c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Eagle Creek State Park (snipe and rail hunting after September 15 only)

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing)

Lake Shelbyville - Eagle Creek State Park (woodcock only; 4:00

DEPARTMENT OF CONSERVATION

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p.m. daily closing)

Lake Shelbyville - Eagle Creek Wildlife Management Area (no snipe or rail hunting; 4:00 p.m. daily closing)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middlefork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily closing)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season closes the day before site's controlled pheasant season)

Site M (hunters are restricted to the Open Unit portion of the site during the controlled pheasant season, except those hunters who possess a valid quality unit upland permit)

Ten Mile Creek Fish and Wildlife Area

- 1) Real hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):
Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (waters of Peppennorst Branch and Allen Branch north of the buoys only)

Chain O'Lakes State Park (hunting is allowed only from numbered blind sites. The blinds need not be completed)

Carlyle Lake Wildlife Management Area

Chauncey Marsh (permit required; may be obtained at Red Hills State Park headquarters; must return permit by February 15; no hunting in dedicated Nature Preserve)

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites; the blinds need not be completed. See Plaines River Waterfowl Area only; obtaining privileges apply as specified in 17 Ill. Adm. Code 590.30(f) and 590.50(b)(7)

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~~hunting--from-numbered-blind-sites-only--blinds-do-not-have-to-be completed)~~

Dog Island Wildlife Management Area

~~Biden-Hazlet-State-Park--4th-lands--and--waters--of--Peppenhorst Branch--and--Allen-Branch--north-of-the-buoys-only--and--not--within clearly-posted-refuge-areas--or--developed--recreation--areas--or within-500-feet--of--construction--sites--developed--recreation areas--fisheries--rearing--ponds--roadways--and--residences--No permanent--blinds--minimum--15-decoys--minimum-200-yards-between hunting-parties)~~

~~Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only; muzzleloading shotguns only see-site specific-regulations-or-Section-596-08(b))~~

Horseshoe Lake State Park (Madison County)

~~Horseshoe Lake Conservation Area - Public Hunting Area (Alexander County)~~

Kaskaskia River State Fish and Wildlife Area

~~Kidd Lake State Natural Area (no-permanent-blinds)~~

~~Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (site permit described in subsection 740.20(c) applies) Fish and-Wildlife-Area~~

Lake Shelbyville - Corps of Engineers Managed Lands and Waters

Lake Sennissippi Conservation Area

~~Marshall State Fish and Wildlife Area (Spring Branch Unit & Sparland Unit)~~

~~Mississippi River Fish and Waterfowl Management &--Wildlife Area (Mississippi River Pools 25 and 26 and-Illinois-River-from-the Mississippi-River-confluence-to-Kampsville)~~

~~Mississippi River Pools 16, 17, and 18-21-22-23-24~~

~~Mississippi River Pools 21, 22 and 24~~

~~Oakford Conservation Area (portable-blinds-only-200-yard-minimum distance-must-be-maintained-between-hunting-parties)~~

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Pike County Conservation Area

~~Reed Lake Project Lands and Waters (no-permanent-blinds-allowed+ Rice Lake Fish and Wildlife Conservation Area (check in and check out required) sunrise until 1:00 p.m. 12:00-Noon)~~

Saline County Fish and Wildlife Area

~~Sanganois State Fish and Wildlife Conservation Area~~

~~Savanna-Ordinance-Depot-hunting-is-allowed-only-from-blind-sites)~~

~~Shawnee-National-Forest--no-permanent-blinds-allowed+~~

~~Snake Den Hollow Fish and Wildlife Area~~

~~Stephen A. Forbes State Park (walk-in hunting in the subcompoundment only)~~

~~Sunspot-Mine--Pulitzer-and-Schuyler-Counties)~~

~~Ten Mile Creek State Fish and Wildlife Area (permit required+ areas-designated-as-refuge-are-closed-to-all-access-during-Canada Goose-Season-only--permit-must-be-returned-by--February--15--to District-Wildlife-Manager--P.O.-Box-3137-Qtney-IL-62450)~~

~~Turkey Bluffs State Fish and Wildlife Area (no-permanent-blinds allowed)~~

~~Union County Conservation Area Firing Line Management Unit only (public-geese-hunting-area-only)~~

~~Woodford Fish and Wildlife County-Conservation Area~~

~~3) Crow Hunting~~

~~1) Statewide regulations as provided for in this part shall apply at the following sites (season dates in parentheses):~~

~~Mississippi River Pools 16, 17, 18~~

~~Panther Creek Conservation Area~~

~~Pike County Conservation Area (July 1 - August 15)~~

~~Pike County Conservation Area (July 1 through August 15)~~

~~Sanganois State Fish and Wildlife Area (July 1 through August 15; day after goose waterfowl season closes through March 1; non-toxic shot only)~~

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT

- Sunspot-Mine-Paiton-and-Schuyler-Counties
 2) Statewide regulations as provided for in this part shall apply except hunting is permitted only during the second portion of the season at the following sites (season dates in parentheses):
 Anderson Lake Conservation Area ~~after--waterfowl--season~~
~~closes--out--not--before--December--15--through--March--17~~

Big Bend State Fish and Wildlife Conservation Area (December 15--through--March--17)

Big River State Forest (December--15--through--March--17)

Green River State Wildlife Area (January 1 - statewide closing)

See--County--State--Wildlife--Area--(Green-River-Conservation Area--(January--1--through--March--17)

Trail-of-Rents--(December--15--through--March--17)

- 3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended at 19 Ill. Reg. **10577**, effective JUL 1 1995)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Dove Hunting
 2) Code Citation: 17 Ill. Adm. Code 730
 3) Section Numbers:
 -30.10 Amendments
 -30.20 Amendments
 -30.30 Amendments
Adopted Action:

- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (520 ILCS 5/1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5).

- 5) Effective Date of Rulemaking: July 1, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: June 30, 1995

- 9) Notice of Proposal Published in Illinois Register: April 14, 1995, 19 Ill. Reg. 5356

- 10) Has JCPR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version:

In the Source Note, following the 1984 amendments, the comma was changed to a semi-colon.

In Section 730.20(b)(2), a comma was added following the "CFR" citation.

In Section 730.20(c), Campbell Pond, the closing parentheses was deleted.

In Section 730.20(c), Ten Mile Creek, "permits" was stricken and "required" was removed.

In Section 730.20(d), the end of the subsection was changed to read: "... September 30; a drawing will be held at 11 a.m. if more hunters show up than can be accommodated."

In Section 730.20(e), the end of the subsection was changed to read: "... September 1-5; a drawing will be held at 11 a.m. if more hunters show up than can be accommodated."

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NOTICE OF ADOPTED AMENDMENTS

In Section 730.20(f), the end of the subsection was changed to read: "... September 1-30; a drawing will be held at 11 a.m. if more hunters show up than can be accommodated."

In Section 730.20(h), the subsection was changed to read as follows: Sites participating in approved research project to study effects of hunting hours on dove harvest. Check in and check out to report harvest is required. A drawing will be held at 11:30 a.m. at sites that begin hunting at 12 noon and 1/2 hour before sunrise at sites that begin hunting at sunrise if more hunters show up than can be accommodated. Sites and research hunting hours are listed below:

In Section 730.20(h)(2), "at" was changed to "are."

In Section 730.20(h)(3), Crawford, "area" was capitalized.

In Section 730.20(i)(1)(B), a comma was added following "one per applicant" and the comma following "not be accepted" was changed to a semi-colon.

In Section 730.20(i)(2)(A), (B), (C) and (D), "parenthesis" was changed to "parentheses."

In Section 730.20(i)(2)(D), "is" was added before "required."

In Section 730.20(i)(2)(E), "first served" was added following "first come."

In Section 730.20(i)(3), Des Plaines, a closing parentheses was added at the end of the sentence.

In Section 730.20(i)(3), Site M, language was changed to read: "Site M (non-permit season closes October 30; non-permit hunting hours are sunrise to sunset; during non-permit season, a season long permit is required as indicated in subsection (g); check-in and check-out are not required)."

2) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

3) Will this rulemaking replace an emergency rule currently in effect? No

4) Are there any amendments pending on this Part? No

5) Summary and Purpose of Rulemaking: This Part was amended to standardize site specific regulations and hunting hours.

6) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
(217) 782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFEPART 730
DOVE HUNTING

Section

-30.10 Statewide Regulations

-30.20 Regulations at Various Department-Owned or -Managed Sites

-30.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; modified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984; amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. 10009, effective June 21, 1994; amended at 19 Ill. Reg. 10588, effective JUL 1 1995.

Section 730.10 Statewide Regulations

- a) Dove regulations are in accordance with Federal Regulations, unless the regulations in this rule are more restrictive. (50 CFR 20.103, 1990)
- b) Season dates: September 1--October 30, daily limits and possession limits are in accordance with federal regulations.
- c) Hunting hours: Sunrise to sunset.
- d) ~~Bag limit: 15~~
- e) ~~Possession limit: 30 after the first hunting day~~

(Source: Amended at 19 Ill. Reg. 10588, effective JUL 1 1995)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and trapping apply in this Section, unless this Section is more restrictive.

b) General Regulations

- 1) Hunters shall possess only ~~non-toxic~~ bismuth or lead shot size 6 or 7 1/2, 8, 9 of size #6 steel or smaller for taking of doves, except as noted under subsection (b)(2). ~~on the following areas:~~
- 2) Only non-toxic shot (as defined by the U.S. Fish and Wildlife Service in 50 CFR 20), #6 steel shot or #7 1/2 bismuth shot or smaller may be possessed on the following areas:

Anderson Lake Conservation Area

Banner Marsh Fish and Wildlife Area

Carlyle Lake Wildlife Management Area (subimpoundments only)

Chain O'Lakes State Park

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Kaskaskia River State Fish & Wildlife Area (designated areas)

Lake Shelbyville Wildlife Management Area (waterfowl management units only)

Peabody River King State Fish and Wildlife Area

Rend Lake Project Lands and Waters

Sangamon Conservation Area State Fish and Wildlife Area

Shabbona Lake State Park

Snake Den Hollow State Fish and Wildlife Area

Ten Mile Creek Fish & Wildlife Area (areas posted as ~~refuge~~ rest area on the Eads Mine and Belle River Units ~~thence to the~~ it)

Union County Conservation Area

Wayne Fitzgerald State Recreation Area

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 2) Hunters shall use only shot-size 7+27, 9+29, 9+lead or 6+steel or smaller on all areas except as noted under subsection (b)(1)-(4).
- 3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.
- 4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.
- 5) At sites indicated by (#), hunters are required to check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
- 6) At sites where additional regulations apply, they are noted in parentheses after the site name.

Statewide season regulations as provided for in this rule shall apply at the following state-to-state hunting cooperation agreements:

Anderson Lake-Conservation Area-5:00 p.m.-closing-September
 11-cleanup-labor-day-sunrise-to-sunset-after-labor-day
 Argyle Lake State Park (5:00 a.m.-closing-September 11-
 cleanup-labor-day-sunrise-to-sunset-after-labor-day season
 opens day after Labor Day)

Big-Bend-Conservation-Area-(5:00-p.m.-closing-September-1 through-Labor-Day; sunrise-to-sunset-after-Labor-Day)

Big-River-State-Forest-45:00-p.m.-September-1-through--Labor Day

Cache River State Natural Area (sunrise-opening) (#)

Campbell Pond Wildlife Management Area (5:00-p.m.-closing
September-1-5-sunrise-to-sunset-thereafter) (#)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (#)

Cartype-fake-Wildlife-Management-Area

[illegible]

DEPARTMENT OF CONSERVATION

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unloaded-when-walking-to-and-from-hunting-areas+-BOE--issued
back-packet-must-be-worn-while-hunting

Chauncy Marsh (~~survive--opening~~ permit required; may be obtained at Red Hills State Park headquarters; ~~no hunting in~~ ~~dedicated Nature Preserve~~; permits must be returned by 15 February)

[illegible]

Crawford--County--Conservation--Area--(5-00-95)---w-o-m-i-n-g
September-1---Labor-Day-sunrise-to-sunset-the-rear+front

[illegible]

Dog Island Wildlife Management Area (sunrise-opening) (#)

Bldg--Hazel--State--Park--(designated--areas--only--5:00--p.m.--closing--September--1--14--sunrise--to--sunset--thereafter)

Ferne Clyffe State Park fountain-opening (#)

Ft. de Chartres State Historic Site
muzzle-loading-shotgun-only-surface-operation
 (muzzle-loading
 shotgun only) (#)

Et. Massac State Park (sunrise-opening) (#)

[illegible]

Giant--City--State--Park--(5:00-p.m.--closing-September-1---5:
sunrise-to-sunset-thereaft

Green-River-State-Wildlife-Area--Bee-County--Conservation

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Area--(Season--dates--are--September-6---30--only--sunrise-to sunset)

Hamilton-County--Conservation--Area--(5:00---p.m.---closing September-1---Labor-Day--sunrise-to-sunset-thereafter)

Heidecke-Bake-State-Fish-and-Wildlife-Area--(Season--dates--are September-1---5:50-p.m.--closing--September-6---15--sunset closing--daily--quota--filled--on--first-come--first-serve basis--check-in-and-check-out--required--all--hunting--must--be done--within--10--feet--of--BGE--marked--sites--no-gun--may--be carried--into--dove--fields--beyond--hunting--line--guns--must--be unloaded--when--walking--to--and--from--hunting--areas)

Hennepin---Canal---Parkway---State---Park---(Season--dates--are September-1---5:50-p.m.--closing---and--on--Saturday-- Sundays--and--Wednesdays--from--September-6---30)

Hidden--Springs--State--Forest--(Bove-management-units--only-- September-1---5:50-p.m.--closing--daily--quota--filled--by drawing--at--designated-units--at--11:00-a.m.--after--September 17--governed--by--subsection-147)

Horseshoe-Lake-Conservation-Area--Alexander-County--(Season dates--are--September-1--through--October-15--5:00-p.m.--closing September-1---5--sunrise-to-sunset-thereafter)

Horseshoe-Lake-State-Park---Madison-County--(Season--dates--are September-1---30--5:00-p.m.--closing)

I-24--Area--(Season--dates--are--opening--day---Wednesday-- Saturdays--and--Sundays--only--5-p.m.--closing)

Itasca--County---Conservation--Area--(5:00---p.m.---closing September-1---5--daily--quota--filled--by--drawing--BGE--back section--required--after--September-5--sunset--closing--hunting permitted--only--in--designated--areas--all--hunting--must--be--done within--10--feet--of--BGE--marked--areas)

Johnson-Gark-Quail-State-Park--(Season--dates--are--September-1---15--except--closed--Saturday--and--Sunday--06--Labor-Day weekend--5:00-p.m.--closing)

Juliette-College-State-Park--(Season--dates--are--September-1---31--on--Wednesday--Saturday--Sundays--and--holidays--5:00-p.m.--closing)

Kankakee--River--State--Park--(Season--dates--are--September

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6---30--daily--quota--filled--on--first-come--first-serve-basis-- hunters--must--check--in--and--check--out--all--hunting--must--be done--within--10--feet--of--BGE--marked--sites--no-gun--may--be carried--into--dove--fields--beyond--hunting--line)

Kaskaskia-River--State--Fish--and--Wildlife--Area--(Hunting allowed--on--designated--areas--on--odd-number--dates--only--during first-week--of--season--then--everyday--thereafter--5:00--p.m.--closing--September-1---7--statewide--closing--thereafter)

Kickapoo-State-Park--(Hunters--must--check--in--and--check--out)

Kidd Lake State Natural Area (sunrise-to-sunset)

Kinkaid Lake Fish and Wildlife Area (sunrise-opening) (#)

Lake--Be-Aqua-Na--State--Park--(Season--dates--are--September 1---15--except--September-1--through--Labor-Day--5:00--p.m.--closing)

Lake--Shelbyville-Kaskaskia--and--West-Okaw-Fish--and--Wildlife Areas--(dove-management--areas--only--September-1---15--p.m.--closing--daily--quota--filled--by--drawing--at--11:00-a.m.--daily--hunting--hours--are--12--noon--to--sunset--on--odd--dates--of--in--state--except--no--hunting--within--300--yards--of--dove management--areas)

Mackinaw-River--State--Fish--and--Wildlife--Area--(Season--dates are--September-6---30--5-p.m.--closing)

Marseilles--Fish--and--Wildlife--Area--(Season--dates--are--September-1---through--the--1st--Thursday--after--Labor-Day--7:00 p.m.--closing--thereafter--open--Monday--through--Thursday--only--and--statewide--hours--apply)

Marshall-State-Fish-and-Wildlife-Area

Mathiasen--State--Park--(Season--dates--are--September-1---15 only--on--opening--day---holidays--Wednesday--Saturday--and-- Sunday--except--closed--the--Saturday--and--Sunday--of--Labor-Day weekend)

Mazonia State Fish and Wildlife Area (Season--dates--are-- September-1---two--weeks--before--duck--season--hunters--must check--in--and--check--out) (Season closes September 30) (#)

Meeker-Lake-Conservation-Area--(Season--dates--are--opening--day-- Wednesday--Saturday--and--Sundays--only--5:00--p.m.--closing)

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daily--hunter--quota--30--hunters--filled--on--a--first-come
first-served-basis

Middle-Park-State-Park-and-Wildlife-Area--Hunting--permitted
in-sunflower-fields-only-September-1--15-5:00-p.m.-closing
September-1--17--quota--filled--by--daily-drawing--sunrise
closing-September-9--15--after-September-15--hunting--hours
are--12--noon--to--sunset--on--entire--state--except--state--in
sunflower--fields--hunters--must--maintain--a--minimum--of--20--yard
spacing--and--hunt--from--field--edges--at--all--times

Mississippi River Pools 16, 17 and 18--21--22--24--(sunrise
opening)

Mississippi River Pools 25-26--at-Red's-Banding-Rip-Rap
Banding-Stamp-Baker-Hadley-Banding-Michael--and--Cathoon
Peters--5:00-p.m.-closing-September-1--5--sunrise--to--sunset
thereafter 21, 22, 24

Moraine View State Park--5:00-p.m.-closing-September-1--17
daily--quota--filled--on--first-come--first-served-basis--states
September-1--17--statewide--hours--and--seasons--apply--hunters--must
check--in--and--check--out--at--all--times--hunters--must--wear--BOE
issued-back-pack--and--hunt--in--designated--areas--only

Vertizon-Rockwood-State-Park--(season-dates--are--September-1--
5--5:00-p.m.-closing-September-1--through--Labor-Day)

Mt. Vernon Game Farm--(Season-dates--are--September-1--1--30
Wednesdays--and--Sundays--only--5:00-p.m.-closing--
hunter--quota--posted--at--headquarters--first-come--basis--
hunters--must--hunt--within--ten--feet--of--stakes--no--gun--may--be
carried--into--dove--field--beyond--hunting--time)

Oakford Conservation Area sunrise-opening

Panther Creek Conservation Area (#)

Pike-County--Conservation--Area--noon--5:00-p.m.-through
Labor-Day--hunting--by--staked--sites--only

Pyramid State Park--5:00-p.m.-closing-September-1--1--Labor
Day--sunrise--to--sunset--thereafter

Rattlesnake--State-Park--(Season-dates--are--September-6--1--30--
hunter--quota--to--be--filled--on--a--first-come--basis--hunters
must--hunt--from--within--10--feet--of--a--hunter--staked--no--shooting
except--in--the--direction--of--the--assigned--field)

DEPARTMENT OF CONSERVATION

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Ramsey-Bake-State-Park--5:00-p.m.-closing-September-1--10--
Randolph--County--Conservation--Area--5:00-p.m.-closing
September-1--17--sunrise--to--sunset--thereafter

Red Hills State Park--5:00-p.m.-closing-September-1--1--Labor
Day--sunrise--to--sunset--thereafter

Rend Lake Project Lands and Waters (sunrise-opening) (#)

Satine-County-Conservation-Area--5:00-p.m.-closing-September
1--15--sunrise--to--sunset--thereafter

Sam-Bake--Bake-Conservation-Area--5:00-p.m.-closing-September
1--1--Labor-Day--sunrise--to--sunset--thereafter

Sam-Park--State-Park--5:00-p.m.-closing-September-1--1--30--
sunrise--to--sunset--thereafter

Sand Ridge State Forest sunrise-opening--hunters--must--stop
at--check--station--(#)

Sangamon County Conservation Area sunrise-opening

Sangamon--Conservation--Area--5:00-p.m.-closing-September
1--15--hunter--quota--to--be--filled--on--a--first-come--basis

Sangamon-Bake-State-Park--(Season-dates--are--September-6--1--
30--hunters--must--hunt--from--within--10--feet--of--a--BOE--marked
stake)

Shabbona--State-Park--5:00-p.m.-closing--until--Labor-Day
weekend--season-dates--are--September-1--15--closed--Saturday
and--Sunday--of--Labor-Day--weekend

Sioux-Springs--State-Park--5:00-p.m.-closing--hunting--by
staked--hunting--sites--only

Silver-Springs--State-Park--(Season-dates--are--September-6--1--
30--check--in--and--check--out--required--hunters--must--hunt
plotted--dove--field--only--hunters--must--hunt--within--10--feet
of--Department--marked--sites--no--gun--may--be--carried--into--dove
fields--beyond--hunting--time--guns--must--be--introduced--when
entering--and--leaving--hunting--area--no--hunting--on--days
designated--for--National--Hunting--and--Fishing--Day--activities

State--N--season--dates--are--September-6--1--1--the--next--following
October-30--hunter--quotas--in--managed--dove--fields--will--be

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Sited on a first come basis; hunters in managed dove fields must hunt from within 10 feet of a 900 marked stake or flag; all hunters must obtain a windshield permit which will permit them to hunt doves at Site M during the 1994 season.

Snake-Ben-Hollow-State-Fish-and-Wildlife-Area--(5:00-p.m.-closing-through-Babor-Bay--sunrise-to-sunset-after-Sabor-Bay--season-dates-are-September-1-30)

Stephen-Ar--Forbes-State-Park--(5:00-p.m.-closing-September-1-30)

Sunspot--Mine--(Pulmon--and--Schuyler--Counties)--(5:00-p.m.-closing-September-1-through-Babor-Bay--sunrise-to-sunset-after-Babor-Bay)

Tapley Woods State Natural Area

Ten Mile Creek State Fish and Wildlife Area (sunrise opening-permit required; areas designated as Refuge are closed to all access during Canada Goose Season entry-permits must be returned by February 15 to the District Wildlife Manager-207-Box-337-Giney-IL-62450)

Trail of Tears State Forest (sunrise-opening) (#)

Turkey--Bluffs--State--Fish--and--Wildlife--Area--(5:00-p.m.-closing-September-1-57-sunrise-to-sunset-thereafter)

Union-County-Conservation-Area--(season-dates-are--September-1-October-15--5:00-p.m.-closing-September-1-57-sunrise-to-sunset-thereafter)

Washington-County-Conservation-Area--(sunrise-to-sunset-after-September-5)

Wayne-Pittsford--State-Recreation--Area--(closed--September-1-5:00-p.m.-closing-September-7-12-sunrise-to-sunset-thereafter)

Weinberg-High--State--Park--(5:00-p.m.-closing--through-September-14--sunset-closing-thereafter)

Wildcat Hollow State Forest

- d) Statewide regulations as provided in this Part shall apply at the following sites except that hunting hours at all state sites open at 12:00 Noon unless otherwise indicated (exceptions noted in parentheses)--in addition hunters must obtain a tree permit from

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site-offices--permits-are-not-transferable-and-must-be-in-possession while hunting--the permit must be returned and harvest reported by February 15--or--hunter-with-forfeited-hunting-privileges-for-that-site for-the-following-year-are 12 noon to 5 p.m. daily September 1-3; season closes September 30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Banner Marsh Fish and Wildlife Area

Bagley--Creek--State--Park--(Season--dates--are--September-15--October-30)

Pox-Ridge-State-Park--(does--not--apply--in--dove-management-units-as-noted-in-Section-730-20(c))

Heidecke State Fish and Wildlife Area

Hennepin Canal State Park (#)

Hidden--Springs--State--Forest--(does--not--apply--in--dove-management-units-as-noted-in-Section-730-20(c))

Iroquois County Wildlife Management Area (#)

Johnson Sauk Trail State Park

Lake-Sherbyville-Bagley-Creek-Wildlife-Management-Area

Matthiessen State Park (#)

Mautino Fish and Wildlife Area (#)

Morrison Rockwood State Park

Pyramid State Park (#)

Sanganois State Fish and Wildlife Area

Snake Den Hollow Fish and Wildlife Area

e)

Permit-areas
 Permit--season-dates--shall--be--September-1-5--at-the-following sites--hunting-hours--shall--be--from--Noon--to--5:00-p.m.--exceptions in-parentheses--
 Bagley-Conservation-Area--(Hunters--must--hunt--assigned fields--only--and--hunt--within--10--feet--of--900--marked--sites--no gun--may--be--carried--into--dove--field--beyond--shooting--line--guns--must--be--unloaded--when--waiting--to--and--from--hunting--area)

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Green-River-State-Wildlife-Area-fee-County-Conservation Area†

Kankakee-River-State-Park-Hunters-must-hunt-assigned-fields only-and-hunt-within-10-feet-of-BGC-marked-stakes-no-gun-may be-carried-into-dove-field-beyond-shooting-line†

Mackinaw-River-State-Fish-and-Wildlife-Area

Rainpitter-State-Park-Hunters-must-hunt-assigned-fields only-and-hunt-within-10-feet-of-BGC-marked-stakes-no-gun-may be-carried-into-dove-field-beyond-shooting-line-no-shooting except-in-direction-of-assigned-fields†

Sangohria-Bake-State-Park-Hunters-must-hunt-assigned-fields only,-field-2-accessible-by-boat-only,-no-gun-may-be-carried onto-dove-field-beyond-shooting-line- hunters-must-hunt-from within-10-feet-of-a-BGC-marked-stake-or-flag

Sliver-Springs-State-Park-Hunters-must-hunt-assigned-fields only,-and-hunt-within-10-feet-of-BGC-marked-stakes-no-gun may-be-carried-into-dove-field-beyond-shooting-line,-guns must-be-unloaded-when-walking-to-and-from-hunting-area†

Ste-M-hunters-must-hunt-assigned-fields-only-hunters-will be-assigned-fields-on-a-first-come-first-served-basis-at check-in-time-no-gun-may-be-carried-into-dove-field-beyond shooting-line-hunters-must-hunt-from-within-10-feet-of-a BGC-marked-stake-or-flag†

2† Permit-Applications

Applicants-must-contact-the-Department-to-obtain-a-Permit reservation-starting-dates-and-methods-for-making-reservations will-be-publicly-announced-Applicants-making-reservations-will be-sent-confirmation-Up-to-six-reservations-but-only-one-per applicant-may-be-made-Multiple-reservations-for-the-same person-will-not-be-accepted-and-that-person-will- forfeit-his right-to-acquire-a-reservation-for-the-season-

Hunting-at-these-areas-is-by-special-permit-only-for-the-first five-days-of-the-season-thereafter-no-permits-are-required-for hunting-at-these-stakes-All-permits-will-be-issued-from Springfield-and-not-from-the-area

Check-in-time-for-registration-shall-be-between-9:00-a.m.-and 11:00-a.m.-Openings-after-11:00-a.m.-will-be-filled-on-a first-come-basis-or-by-a-daily-drawing-if-there-are-more stand-by-hunters-than-openings-available†

All-hunters-must-wear-a-back-patch†

5† Shot-stake-to-be-used-is-7-1/2x-0-or-9-head-or-6-stake-or-smaller

7† Each-applicant-shall-apply-for-only-one-area-and-receive-one

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permit-per-year--An-applicant-may-reapply-only-if-his-previous application-was-unsuccessful--

e† Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-5. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Anderson Lake Conservation Area

Big Bend State Fish and Wildlife Area (#)

Big River State Forest

Carville Lake Wildlife Management Area (#)

Chain O'Lakes State Park (closes September 5) (#)

Eidon Hazlet State Park (#)

Lake Shelbyville - Kaskaskia Wildlife Management Area (Dove Management Fields Only)

Marseilles Wildlife Area (After Labor Day, site is closed on Fridays, Saturdays, and Sundays through October) (#)

Middlefork Fish and Wildlife Management Area (Dove Management Fields Only)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Peabody River King State Fish and Wildlife Area (#)

Pike County Conservation Area (#)

Turkey Bluffs State Fish and Wildlife Area (#)

Weinberg-King State Park (#)

f† Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Lake Le Aqua Na State Park (#)

Red Hills State Park (#)

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Jubilee College State Park

Shabbona Lake State Park (#)

Siloam Springs State Park (#)

Wayne Fitzgerald State Recreation Area (season opens day after Labor Day)

- g) Statewide regulations apply except that hunting hours are 12 noon to 5 p.m. from September 1-5; hunters must obtain a free permit from the Department; permits must be in possession while hunting on the site. Permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following season.

Kickapoo State Park

Lake Shelbyville - Eagle Creek State Park (season opens day after Labor Day)

Lake Shelbyville - Eagle Creek Wildlife Management Area

Lake Shelbyville - Kaskaskia Wildlife Management Area (except Dove Management Units)

Middlefork Fish and Wildlife Area (except Dove Management Units)

- h) Sites participating in approved research project to study effects of hunting hours on dove harvest. Check in and check out to report harvest is required. A drawing will be held at 11:00 a.m. at sites that begin hunting at 12 noon and 1/2 hour before sunrise at sites that begin hunting at sunrise if more hunters show up than can be accommodated. Sites and research hunting hours are listed below:

- 1) Hunting hours are sunrise to 12 noon

Fox Ridge State Park

Hamilton County Fish and Wildlife Area

Kaskaskia River State Fish and Wildlife Area

Lake Shelbyville - West Okaw Wildlife Management Area

Mermet Lake Fish and Wildlife Area

Ramsey Lake State Park

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Union County Conservation Area (season closes October 15)

- 2) Hunting hours are 12 noon to 5:00 p.m.

Clinton Lake State Recreation Area

Giant City State Park

Hidden Springs State Forest

I-24 Wildlife Management Area

Mt. Vernon Game Propagation Center

Randolph County Conservation Area

Sam Parr Fish and Wildlife Area

- 3) Hunting hours are sunrise to 5:00 p.m.

Crawford County Fish and Wildlife Area

Horseshoe Lake Conservation Area (season closes October 15)

Moraine View State Park

Saline County Fish and Wildlife Area

Sam Dale Lake Fish and Wildlife Area

Stephen A. Forbes State Park

Washington County Conservation Area

- i) Permit Areas

- 1) Permit Season Regulations

- A) Permit season dates shall be September 1-5 and hunting hours are 12 noon to 5:00 p.m. at the sites listed at the end of this subsection.

- B) Permit Applications

Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservation will be publicly announced. Applicants making reservations will be sent confirmation. Up to six (6) reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted; further, persons attempting to make multiple reservations will forfeit the privilege to obtain a

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reservation for that season.

2) Each person may apply for only one area and receive one permit per season. An applicant may reapply only if his previous application was unsuccessful.

2) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites, except at Site M as indicated in subsection (i)(3). All permits will be issued from Springfield and not from the site, except at Site M as indicated in subsection (i)(3).

2) Check in time for registration shall be between 9 a.m. and 11 a.m. each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are vacancies.

2) All hunters must wear an IDOC issued backpatch.

2) Non-Permit Season Regulations

2) Non-permit season shall be September 6-30 except as indicated in parentheses.

2) Non-permit hunting hours shall be 12 noon - sunset except as indicated in parentheses.

2) No permits are required except as indicated in parentheses.

2) Check in and check out is required except as indicated in parentheses.

2) Hunter quotas will be filled on a first come first served basis.

2) Sites

Des Plaines Conservation Area (non-permit hunting hours are 12 noon - 5 p.m.)

Green River State Wildlife Area/Kaecker Sand Prairie Habitat Area (non-permit hunting hours are sunrise - sunset)

Horseshoe Lake State Park (Madison County) (non-permit hunting hours are 12 noon - 5 p.m.)

Kankakee River State Park

Mackinaw Fish and Wildlife Area

Railsplitter State Park

Sangchris Lake State Park

Silver Springs State Park (closed during National Hunting and Fishing Day Weekend)

Site M (non-permit season closes October 30; non-permit hunting hours are sunrise to sunset; during non-permit

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season, a season long permit is required as indicated in subsection (g); check-in and check-out are not required).

(Source: Amended at 19 Ill. Reg. 10588, effective JUL 1 1985)

Section 730.30 Youth and Adult Dove Hunts at Various Department-Owned or -Managed Sites

a) A one-day Youth Dove Hunt will be held the first Saturday in September at the following sites:

Horseshoe Lake State Park (Madison County)

Kankakee River State Park

Ramsey Lake State Park

Sangchris Lake State Park

Silver Springs State Park

Stephen A. Forbes State Park

c) A one-day youth/adult dove hunt will be held the first Saturday in September where both the youth and adult will be permitted to hunt at the following sites:

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area

Mt. Vernon Game Farm

Sam Parr State Park

c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:00 a.m.

d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.

e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.

f) Applicants must be between the ages of 10 and 15 inclusive, with a valid Illinois hunting license.

g) Each youth must be accompanied by a supervising adult. If the hunter

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does not have a valid Firearm Owner's Identification (F.O.I.D.) Card, the supervising adult is required to have a F.O.I.D. Card. Only one supervising adult in a hunting party is required to have a valid F.O.I.D. Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid F.O.I.D. Card. All adult hunters must have a valid F.O.I.D. card.

- 2) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

- 3) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller.

Source: Amended at 19 Ill. Reg. **10588**, effective

JUL 1 1995

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- 1) Heading of the Part: General Hunting and Trapping on Department-Owned or -Managed Sites

- 2) Code Citation: 17 Ill. Adm. Code 510

- 3) Section Numbers: Adopted Action:

510.10

Amendments

510.20

Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a28].

- 5) Effective Date of Rulemaking: July 1, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: June 30, 1995

- 9) Notice of Proposal Published in Illinois Register: April 21, 1995, 19 Ill. Reg. 5915

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version:

In the Authority Note, the name of the Act was changed to read: "the Civil Administrative Code of Illinois."

Subsection 510.10(b)(7) was added:

Hunter or Trapper Quota: The maximum number of hunters or trappers that can be accommodated at a site at any one time. Hunter and trapper quotas are determined by the formula of one hunter or trapper per 10-40 huntable acres. The number of huntable acres is determined by, but not limited to, the biological studies on the number of species available, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site.

Subsection 510.10(d)(6) was changed to read as follows:

All hunter or trapper quotas are filled on a first come-first served basis unless a drawing or special permit is used. The Department

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shall use a special permit or drawing whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department. Hunters or trappers will be notified as expeditiously as possible through site postings, news releases or public announcements once quotas are established.

Subsection 510.10(f) was deleted.

Subsection 510.10(g) was relabeled 510.10(d)(7).

(2) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

(3) Will this rulemaking replace an emergency rule currently in effect? No

(4) Are there any amendments pending on this Part? No

(5) Summary and Purpose of Rulemaking: This Part was amended to define the term "waterfowl rest area"; add language indicating it is unlawful to consume alcohol while on a site for the purpose of hunting or trapping, and to possess any alcoholic beverage while in the field; add language indicating unauthorized persons are more specifically restricted from occupying permit dove and controlled pheasant hunting areas; add language indicating that hunter quotas not filled on a drawing or special permit basis will be filled on a first-come, first-served basis.

(6) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
(217) 782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 510
GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section

510.10 General Site Regulations

510.20 Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a28].

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993; amended at 19 Ill. Reg. 10608, effective JUL 1 1995.

Section 510.10 General Site Regulations

a) Regulations

1) ~~All applicable regulations found in the Wildlife Code title--Rev Stat--1991--ch--61--520--519--federal regulations--69--CR--17 effective--September--30--1985--and--Department--of--Conservation--Department--or--BGR--Administrative--Rules--apply--on--any--Department site--~~

2) All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

b) Definitions:

- 1) Unauthorized person - any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.
- 2) Designated area - a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced

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- time period.
- 3) Restricted area - a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.
 - 4) Refuge area - a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the Department ~~site-superintendent~~ when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.
 - 5) Adult - a person 18 years of age or older.
 - 6) Waterfowl Rest Area - a defined location at a site with a set boundary within which no public activity or presence is allowed for a specified period of time, except as authorized by the Department.
 - 7) Hunter or Trapper Quota - The maximum number of hunters or trappers that can be accommodated at a site at any one time. Hunter and trapper quotas are determined by the formula of one hunter or trapper per 10-40 huntable acres. The number of huntable acres is determined by, but not limited to, the biological studies on the number of available animals within a species, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site.
 - 8) It shall be unlawful:
 - 1) For any person to ~~possess--or~~ consume any alcoholic beverage ~~including-beer-or-wine--prior-to-or~~ while on any site for the purpose of hunting or trapping.
 - 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
 - 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed. Any ~~tree-stand-must-be-portable-and-must-be-removed-at-the-end-of-each-day--unless--otherwise--specified--in--17--117--Adm-Code-650-660-670-and-680-~~
 - 4) To hunt or trap in a restricted area ~~restrictively-posted-areas-developed-recreation-areas-and-within-100-yards-of--construction-sites--residences-and-developed-recreation-areas.~~
 - 5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit hunting season and controlled pheasant hunting season at sites holding such seasons, or during any hunting season where such restrictions are so posted at the site, when authorized hunting is in progress.
 - 6) ~~To use any site when the site superintendent--or--his--authorized representative--determine--and--state--that--weather--water equipment--or--other-conditions-make-the-use-of-the-site-unsafe--to-hunt-or-trap-outside-designated-areas-at-the-site-~~
 - 7) To enter ~~trespass-within~~ a refuge, restricted area or waterfowl rest area unless authorized by the Department.

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- 1) ~~To hunt or trap on any Department-Owned or -managed land that is not a designated area open-to-hunting--or--trapping pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740).~~
- 2) ~~To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to the Department of Conservation hunting or trapping fees or to the operation of controlled pheasant hunting on Department lands pursuant to a written concession agreement.~~
- 3) ~~To hunt or trap without a valid permit where permits are required.~~
- 4) To hunt with any weapon except shotgun or bow and arrow unless otherwise specified.
- 5) ~~To enter a refuge or restricted area--to--retrieve--wounded-game unless--authorized--by--the--Department--Authorization-may--be obtained--from--any--Department-employee-at-the-site--Authorization will--be--based--upon--person's-apparent-ability-to-retrieve-game without--firearm--or--bow-and-arrow.~~
- 6) Specific Management Procedures
 - 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
 - 2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within fifteen minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).
 - 3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, state sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.
 - 4) At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.
 - 5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (See Parts 650, 660, 670 and 680); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.
 - 6) All hunter or trapper quotas are filled on a first come-first served basis unless a drawing or special permit is used. The Department shall use a special permit or drawing whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department. Hunters or trappers will be notified as expeditiously as possible through site postings, news releases or public announcements when

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quotas are established.

- a) Only shotgun or bow and arrow shall be used for hunting unless otherwise specified.
- b) If hunter or trapper quotas are necessary at any site, the quotas will be determined at the discretion of the Department and posted at the site unless the notice is notified by news release that the quota will be filled by drawing or special permit. Hunter and trapper quotas are determined by the formula: 1 hunter or trapper per 40 acres. Acres are determined by but not limited to the biological studies on the number of the species available, the condition of the topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site. All quotas are filled on a first come, first served basis unless the public is notified by public news release that the quota will be filled by a drawing or special permit. The Department shall use a special permit or drawing quota system whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department.

c) During pheasant, rabbit, quail and partridge season, hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping, or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.

(Source: Amended at 19 Ill. Reg. 10608, effective JUL 1 1995)

Section 510.20 Hunting and Trapping by Special Permit

- a) A special permit will be issued by the Department for Department-owned or managed sites when hunter or trapper demand is greater than the site can handle. The permit system is used as a fair and equitable way to distribute hunting and trapping opportunities without over-harvesting the wildlife population.

- b) All regulations will be according to species regulations as provided for in 17 Ill. Admin. Code.
- c) Application information will be announced publicly by the Department through the news media.

(Source: Amended at 19 Ill. Reg. 10608, effective JUL 1 1995)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Sport Fishing Regulations for the Waters of Illinois
- 2) Code Citation: 17 Ill. Adm. Code 810
- 3) Section Numbers: Adopted Action:
810.10 Amendments
810.45 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5]
- 5) Effective Date of Rulemaking: July 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: June 30, 1995
- 9) Notice of Proposal Published in Illinois Register: April 7, 1995, 19 Ill. Reg. 5190
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: In Section 810.10(d), a comma was added following "Lake Michigan."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes

Section Numbers	Proposed Action	Illinois Register Citation
810.10	Amendments	19 Ill. Reg. 5262 - 4/7/95
810.45	Amendments	19 Ill. Reg. 5262 - 4/7/95

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: These amendments were made to provide necessary protection and conservation of the fisheries resources present on State-managed water in the face of increasing fishing pressure and

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NOTICE OF ADOPTED AMENDMENT(S)

angler usage of aquatic resources statewide as well as at individual sites.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Conservation
224 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section	
810.10	Sale of Fish and Fishing Seasons
810.20	Snagging
810.30	Pole and Line Fishing Only (Repealed)
810.35	Statewide Sportfishing Regulations - Daily Catch and Size Limits
810.37	Definitions for Site Specific Sportfishing Regulations
810.40	Daily Catch and Size Limits (Repealed)
810.45	Site Specific Water Area Regulations
810.50	Bait Fishing
810.60	Bullfrogs
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Fishing Tournament Permit
810.100	Bed Protection

AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendment at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendment at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendment at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendment at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendment at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990; emergency amendment at 13 Ill. Reg. 15118,

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effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendment at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. 16863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991; emergency amendment at 15 Ill. Reg. 5430, effective March 27, 1991, for a maximum of 150 days; emergency expired August 24, 1991; amended at 15 Ill. Reg. 5977, effective June 24, 1991; amended at 15 Ill. Reg. 13347, effective September 3, 1991; amended at 16 Ill. Reg. 5267, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 6016, effective March 25, 1992, for a maximum of 150 days; emergency expired August 22, 1992; amended at 16 Ill. Reg. 12526, effective July 28, 1992; amended at 17 Ill. Reg. 3853, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 5915, effective March 25, 1993, for a maximum of 150 days; emergency expired August 22, 1993; amended at 17 Ill. Reg. 10806, effective July 1, 1993; amended at 18 Ill. Reg. 3277, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 5667, effective March 25, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 12652, effective August 9, 1994; amended at 19 Ill. Reg. 2396, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5262, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. **10614** effective **JUL 1 1995**.

Section 810.10 Sale of Fish and Fishing Seasons

- a) No fish or parts thereof (including eggs) taken by sport fishing methods (including snagging) may be bought, sold or bartered.
- b) Lake Michigan - The sport fishing season for rainbow smelt shall be from March 1 to April 30.
- c) It is unlawful to fish within 250 yards of an occupied duck or goose pond on Department-owned or -managed sites during the migratory waterfowl season.
- d) Lake Michigan, Calumet River, and the Chicago River including its North Branch, South Branch, and the North Shore Channel - the sport fishing harvest for yellow perch shall not be permitted from June 1 through June 30 annually.

(Source: Amended at 19 Ill. Reg. **10614**, effective **JUL 1 1995**)

Section 810.45 Site Specific Water Area Regulations

Fishing regulations, including species of fish, fishing methods and daily catch limits are listed for each water area. The numbers in parenthesis refer to the corresponding numbered definitions in Section 810.37 of this Part. If a water area is not listed or if a specific species is not listed, then state-wide restrictions apply. Check the bulletin boards at the specific site for any emergency changes to regulations.

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Allison Lake, City of Lincoln Cogan County	- 2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit
Channel Catfish	
Anderson Lake Fish and Wildlife Area (33) Fulton County	
Andover Lake, City of Andover Henry County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Apple River Jo Daviess County	
Trout	- Spring Closed Season (11)
Apple River (within the boundaries of Apple River Canyon State Park) Jo Daviess County	
All Fish	- 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth	
Bass (14)	- 1 Fish Daily Creel Limit
Argyle Lake, Argyle Lake State Park McDonough County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish more than 15" and/or 5 less than 12" Daily (12)
Trout	- Fall Closed Season (10)
Walleye, Sauger or Hybrid	- 14" Minimum Length Limit
Walleye	
Ashland City Reservoir, City of Ashland Cass County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Ashley Reservoir, City of Ashley Washington County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length
Auburn Park Lagoon, Chicago Park District	

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Axehead Lake, Cook County Forest Preserve
Cook County
All Fish
Large or Smallmouth Bass
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Baker Lake, City of Peru
LaSalle County
All Fish
Bluegill or Redear Sunfish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Baldwin Lake, Baldwin Lake Conservation Area
Randolph County
All Fish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit
- Banana Lake, Lake County Forest Preserve District
Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Banner Marsh Lake & Ponds, Banner Marsh State Fish and Wildlife Area (33)
Peoria/Fulton Counties
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 14" Minimum Length Limit

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- Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit
- Satchtown Wildlife Management Area (33)
Calhoun County
Baumann Park Lake, City of Cherry
Valley
Winnebago County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Beall Woods Lake, Beall Woods Conservation Area
Wabash County
All Fish
Channel Catfish
Large or Smallmouth Bass
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Fall Closed Season (10)
- Beaver Dam Lake, Beaver Dam State Park
Macoupin County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Trout
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Fall Closed Season (10)
- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit
- Beck Lake, Cook County Forest Preserve District
Cook County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 18" Minimum Length Limit
- Belleau Lake, Cook County Forest Preserve District
Cook County

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- All Fish
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Bird Park Quarry, City of Kankakee
Kankakee County

- Trout
- Fall Closed Season (10)
- Trout
- Spring Closed Season (11)

Borah Lake, City of Olney
Richland County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Boston Pond, Stephen A. Forbes State Park
Marion County

- Trout
- Fall Closed Season (10)
- Trout
- Spring Closed Season (11)

Braidwood-Mazonia Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area (33)
Grundy/Will County
(Braidwood Lake is closed to all fishing and boat traffic, except for legal waterfowl hunters, from 2 weeks prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with duck season)

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit

Breeze JC's Park Pond, City of Breeze
Clinton County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

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NOTICE OF ADOPTED AMENDMENT(S)

Buckner City Reservoir, City of Buckner
Franklin County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit

Bunker Hill Lake, City of Bunker Hill
Macoupin County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit

Burrells Wood Park Pond
White County

- Channel Catfish
- 5 Fish Daily Creel Limit

Busse Lake, Cook County Forest Preserve
Cook County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Walleye, Sauger, or Hybrid
- 18" Minimum Length Limit

Cache River State Natural Area (19)
Pulaski/Johnson Counties

Calhoun Point Wildlife Management Area (33)
Calhoun County

- Calumet River
- Cook County
- 25 Fish Daily Creel Limit
- Closed During June

Campbell Pond Wildlife Management Area (19)
Jackson County

Campus Lake - Southern Illinois University, State of Illinois
Jackson County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit

Campus Pond - Eastern Illinois University, State of Illinois
Coles County

- Trout
- Fall Closed Season (10)
- Trout
- Spring Closed Season (11)

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Canton Lake, City of Canton

- Fulton County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - Large or Smallmouth Bass (16)

Carlyle Lake, U.S. Army Corps of Engineers (20) (33)

- Clinton County
- Large or Smallmouth Bass
 - Walleye, Sauger, or Hybrid
 - Walleye
 - White, Black, or Hybrid
 - Crappie (15)
 - White, Black, or Hybrid
 - Crappie

Carthage Lake, City of Carthage

- Hancock County
- Channel Catfish
 - 6 Fish Daily Creel Limit

Cave-in-Rock State Park Pond, Cave-in-Rock State Park

- Hardin County
- Trout
 - Trout
 - Fall Closed Season (10)
 - Spring Closed Season (11)

Cedar Lake, U.S. Forest Service and City of Carbondale

- Jackson County (19)
- All Fish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass
 - Striped, White, or Hybrid
 - Striped Bass
 - Striped, White, or Hybrid
 - Striped Bass (16)
 - Walleye, Sauger, or Hybrid
 - Walleye
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 15" Minimum Length Limit
 - 2 Pole and Line Fishing Only (1)

Centralia Lake, City of Centralia

- Marion County
- Large or Smallmouth Bass
 - 15" Minimum Length Limit

Charleston Lower Channel Lake, City of Charleston

- Coles County
- All Fish
 - 2 Pole and Line Fishing Only (1)

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Charleston Side Channel Lake, City of Charleston

- Coles County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - Striped, White, or Hybrid
 - Striped Bass
 - 17" Minimum Length Limit
 - Striped, White, or Hybrid
 - Striped Bass (16)
 - 3 Fish Daily Creel Limit

Charlie Brown Lake & Pond, City of Flora

- Clay County
- All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Chauncey Marsh (19)

Lawrence County

Chicago River (including its North Branch, South Branch, and the North Shore

Channel)

Cook County

Yellow Perch

Yellow Perch

- 25 Fish Daily Creel Limit
- Closed During June

Citizen's Lake, City of Monmouth

- Warren County
- All Fish
 - Bluegill or Redear Sunfish (14)
 - Channel Catfish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
 - Trout
 - 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - Fall Closed Season(10)

Clear Lake, Kickapoo State Park

Vermillion County

- Trout
- Trout
- Fall Closed Season (10)
- Spring Closed Season (11)

Clinton Lake, Clinton Lake State Recreation Area (19)

Dewitt County

- All Fish
- Large or Smallmouth Bass
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- 2 Pole and Line Fishing Only (1)(18)
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

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Walleye or Sauger
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 14" Minimum Length Limit
- 15 Fish Daily Creel Limit
- 9" Minimum Length Limit

Coffeen Lake, Coffeen Lake State Fish and Wildlife Area
Montgomery County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 14" Minimum Length Limit
- 15 Fish Daily Creel Limit
- 3 Fish Daily Creel Limit
- 9" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Coles County Airport Lake, Coles County Airport
Coles County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 14" Minimum Length Limit

Coleta Trout Pond, State of Illinois
Whiteside County
Trout
Trout
- Fall Closed Season (10)
- Spring Closed Season (11)

Columbus Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit

Cook Co. F.P.D. Lakes, Cook County Forest Preserve District
Cook County
All Fish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit

Coulterville City Lake, City of Coulterville
Randolph County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit

Crab Orchard National Wildlife Refuge- Crab Orchard Lake, U.S. Fish and Wildlife Service (19)
Williamson County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit

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All Fish
Striped, White, or Hybrid
Striped Bass (16)
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)(4)
- 10 Creel/3 Fish 17" or Longer Daily (17)
- 15" Minimum Length Limit

Crab Orchard National Wildlife Refuge- Devil's Kitchen Lake, U.S. Fish and Wildlife Service (19)
Williamson County
All Fish
- 2 Pole and Line Fishing Only (1)

Crab Orchard National Wildlife Refuge- Little Grassy Lake, U.S. Fish and Wildlife Service (19)
Williamson County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Crab Orchard National Wildlife Refuge. Refuge Ponds (except Visitor Pond), U.S. Fish and Wildlife Service
Williamson County
All Fish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit

Crab Orchard National Wildlife Refuge. Visitor Pond, U.S. Fish and Wildlife Service
Williamson County
All Fish (30)
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 21" Minimum Length Limit

Crawford Co. Cons. Area - Picnic Pond, Crawford County Conservation Area
Crawford County
Trout
- Fall Closed Season (10)

Crawford Co. Cons. Area Ponds, Crawford County Conservation Area
Crawford County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Crull Impoundment Wildlife Management Area (33)
Jersey County
Dawson Lake & Park Ponds, Moraine View State Park
McLean County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit

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- 15" Minimum Length Limit
- 14" Minimum Length Limit
- 9" Minimum Length Limit
- 15 Fish Daily Creel Limit

Decatur Park Dist. Ponds, City of Decatur
Macon County
All Fish
Channel Catfish

Defiance Lake, Moraine Hills State Park
McHenry County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)

Des Plaines River Conservation Area (19)
Will County

Dixon Springs Ag. Center Pond, Dixon Springs Ag. Center
Pope County
Trout
Trout

Dog Island Wildlife Management Area (19)
Pope County

Dolan Lake, Hamilton County Conservation Area
Hamilton County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye

Donnelley State Wildlife Area (33)
Bureau County

Douglas Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish

East Fork Lake, City of Olney
Richland County

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- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 14" Minimum Length Limit
- 15 Fish Daily Creel Limit
- 15 Fish Daily Creel Limit

Eldon Hazlet State Park (19)
Clinton County

Evergreen Lake, City of Bloomington
McLean County
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye

Faries Park Pond, City of Decatur
Macon County
Trout

Ferne Clyffe Lake, Ferne Clyffe State Park
Johnson County
All Fish
Channel Catfish
Trout
Trout

Forbes State Lake, Stephen A. Forbes State Park
Marion County
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye

Forbes State Park Ponds, Stephen A. Forbes State Park
Marion County
All Fish
Channel Catfish
Large or Smallmouth Bass

Forest Park Lagoon, City of Shelbyville
Shelby County
All Fish
Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

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- Fall Closed Season (10)
- Spring Closed Season (11)

Port de Chartres Historic Site (19)
Randolph County

Four Lakes, Winnebago County Forest Preserve

- Winnebago County
- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit

Fox Chain O'Lakes (including the Fox River south of the Wisconsin-Illinois boundary to the McHenry Dam) (Applies to Grass Lake and Nippersink Lake State Managed Blind Areas Only (19)), State of Illinois

- Lake and McHenry Counties
- Large or Smallmouth Bass
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye
- Walleye, Sauger, or Hybrid
- Walleye (14)
- 14" Minimum Length Limit (6)
- 16" Minimum Length Limit
- 18" Minimum Length Limit (6)
- 3 Fish Daily Creel Limit (6)

Fox Ridge State Park (19)
Jules County

Fox River (within the boundaries of Silver Springs State Park)

- Kendall County
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 12" Minimum Length Limit
- 3 Fish Daily Creel Limit

Frank Holten Lakes, Frank Holten State Park

- St. Clair County
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Trout
- Trout
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Franklin Creek (within the boundaries of Franklin Creek State Natural Area)

- Lee County
- All Fish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)(9)
- 12" Minimum Length Limit
- 3 Fish Daily Creel Limit

Fuller Lake (19)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Calhoun County

Gale Lake, Village of East Galesburg

- Knox County
- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 5 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Garfield Park Lagoon, Chicago Park District

- Cook County
- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit

Sabhard Woods Ponds, Gebhard Woods State Park

- Grundy County
- All Fish
- Trout
- 2 Pole and Line Fishing Only (1)
- Spring Closed Season (11)

Giant City Park Ponds, Giant City State Park

- Jackson and Union Counties
- Large-mouth and Spotted Bass
- 15" Minimum Length Limit

Gillespie New City Lake, City of Gillespie

- Macoupin County
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 3 Fish Daily Creel Limit

Gillespie Old City Lake, City of Gillespie

- Macoupin County
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Glades - 12 Mile Island Wildlife Management Area (33)

Jersey County

Gladstone Lake, Henderson County Conservation Area

- Henderson County
- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 5 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 3 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Allen Oak Park Lagoon, Peoria Park District
Peoria County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- Allen Shoals Lake, City of Hillsboro
Montgomery County
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Godar-Diamond/Hurricane Island Wildlife Management Area (33)
Calhoun County
- Jompers Park Lagoon, Chicago Park District
Cook County
- All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- Gordon F. More Park Lake, City of Alton
Madison County
- All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 5 Fish Daily Creel Limit
- 2 Fish <15" &/or 1 Fish >or= 15" Daily (25)
- Governor Bond Lake, City of Greenville
Bond County
- Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Grayslake Lake, Grayslake Park District
Lake County
- Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Bass (14)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Greenfield City Lake, City of Greenfield
Green County
- All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Channel Catfish
- 5 Fish Daily Creel Limit
- Greenville Old City Lake, City of Greenville
Bond County
- All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- Fall Closed Season (10)
- Harrisburg New City Reservoir, City of Harrisburg
Saline County
- All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- Heidecke Lake, Heidecke Lake State Fish and Wildlife Area
Grundy County (33)
- (Shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of waterfowl season)
- All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 10 Creel/3 Fish 17" or Longer Daily (17)
- Walleye, Sauger, or Hybrid
Walleye
Walleye, Sauger, or Hybrid
Walleye (14)
- 22" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Helmhold Slough (19)
Calhoun County
- Hennepin Canal-Mainline & Feeder, Hennepin Canal Parkway State Park
Multiple Counties
- All Fish
- Large or Smallmouth Bass
Trout
Trout
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)(13)
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- 14" Minimum Length Limit
- Herrick Lake, DuPage County Forest Preserve District
DuPage County
- All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Hidden Springs State Forest Ponds, Hidden Springs State Forest

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Shelby County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 5 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Highland Old City Lake, City of Highland

Madison County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 5 Fish Daily Creel Limit
 Trout - Fall Closed Season (10)

Hillsboro Old City Lake, City of Hillsboro

Montgomery County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 5 Fish Daily Creel Limit
 Large or Smallmouth Bass - 12-15" Slot Length Limit (3)

Homer Lake, Champaign County Forest Preserve District

Champaign County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 5 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Hornel Pond, Donnelly State Fish and Wildlife Area

Bureau County
 All Fish - 2 Pole and Line Fishing Only (1)(5)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Horseshoe Lake-Alexander Co., Horseshoe Lake Conservation Area

Alexander County
 (Only trolling motors in refuge from October 5-March 1)
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 5 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Horseshoe Lake-Madison County, Horseshoe Lake State Park (33)

Madison County
 All Fish - 2 Pole and Line Fishing Only (1)(28)
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 White, Black or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Horton Lake, Nauvoo State Park

Hancock County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 5 Fish Daily Creel Limit

Humbolt Park Lagoon, Chicago Park District

Cook County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 5 Fish Daily Creel Limit

Illinois & Michigan Canal, State of Illinois

Brundy/LaSalle/Will Counties
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 5 Fish Daily Creel Limit

Illinois Beach State Park Ponds, Illinois Beach State Park

Lake County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 5 Fish Daily Creel Limit

Illinois Department of Transportation Lake, State of Illinois

Sangamon County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 5 Fish Daily Creel Limit
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

Illinois River - Pool 26 (19)

Calhoun County

Jackson Park (Columbia Basin) Lagoon, Chicago Park District

Cook County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 5 Fish Daily Creel Limit

Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State Park

Henry County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 5 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Jones Park Lake, City of East St. Louis

St. Clair County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 5 Fish Daily Creel Limit
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

Jones State Lake, Saline County Conservation Area

Saline County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- All Fish
Channel Catfish
Large or Smallmouth Bass
- Jones Lake Trout Pond, Saline County Conservation Area
- Saline County
- 2 Pole and Line Fishing Only (1)
 - 5 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Trout
- Fall Closed Season (10)
 - Spring Closed Season (11)
- Jubilee College State Park Ponds, Jubilee College State Park
- Peoria County
- 2 Pole and Line Fishing Only (1)
 - 5 Fish Daily Creel Limit
- Channel Catfish

Kankakee River State Park (19)

Kankakee/Will Counties

Kaskaskia River & all tributaries, State of Illinois

Multiple Counties

- Walleye, Sauger, or Hybrid
- Walleye
- 14" Minimum Length Limit

Kaskaskia River Fish and Wildlife Area (19)

St. Clair/Randolph/Monroe Counties

Kaskaskia River Fish and Wildlife Area - Doza Creek Wildlife Management Area

(33)

St. Clair County

Kendall Co. Lake #1, Kendall County Forest Preserve District

Kendall County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
 - 5 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Kent Creek

Winnebago County

Trout

- Spring Closed Season (11)

Kickapoo State Park Lakes & Ponds, Kickapoo State Park

Vermilion County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit

Kinkaid Lake, Kinkaid Lake State Fish and Wildlife Area (19)

Jackson County

Large or Smallmouth Bass

- 10" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Large or Smallmouth Bass
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye
- 12" - 16" Protected Slot Length Limit (no possession)
 - 2 Fish Under 12" and 2 Fish Over 16" Daily Creel Limit
 - 16" Minimum Length Limit
 - 14" Minimum Length Limit
- Lake Atwood, McHenry County Conservation District
- McHenry County
- All Fish
- Channel Catfish
- Trout
- 2 Pole and Line Fishing Only (1)
 - 5 Fish Daily Creel Limit
 - Spring Closed Season (11)

Lake Bloomington, City of Bloomington

McLean County

- Large or Smallmouth Bass
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- Walleye, Sauger, or Hybrid
- Walleye
- 15" Minimum Length Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Lake Carlton, Morrison-Rockwood State Park

Whiteside County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass (14)
- Large or Smallmouth Bass
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black, or Hybrid
- Crappie (15)
- 2 Pole and Line Fishing Only (1)
 - 5 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 16" Minimum Length Limit
 - 14" Minimum Length Limit
 - 25 Fish Daily Creel Limit

Lake Co. Forest Preserve District Lakes, Lake County Forest Preserve District

Lake County

All Fish

Channel Catfish

Large Smallmouth Bass (14)

Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit

Lake Decatur, City of Decatur

Macon County

All Fish

Large or Smallmouth Bass

Walleye, Sauger, or Hybrid

- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Walleye
- 14" Minimum Length Limit
- Lake Depue Fish and Wildlife Area (33)
- Bureau County
- Lake Eureka, City of Eureka
- Woodford County
- All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
- Lake George, Loud Thunder Forest Preserve
- Rock Island County
- All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
 - Pure Muskellunge
 - Walleye, Sauger, or Hybrid
 - Walleye
 - White, Black, or Hybrid
 - Crappie (15)
 - 2 Pole and Line Fishing Only (1)
 - 5 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 36" Minimum Length Limit
 - 14" Minimum Length Limit
 - 25 Fish Daily Creel Limit
- Lake Jacksonville, City of Jacksonville
- Morgan County
- All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
 - Striped, White, or Hybrid
 - Striped Bass
 - Striped, White, or Hybrid
 - Striped Bass (16)
 - White, Black, or Hybrid
 - Crappie
 - White, Black, or Hybrid
 - Crappie
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 25 Fish Daily Creel Limit
 - 3" Minimum Length Limit
- Lake Kakusha, City of Mendota
- LaSalle County
- All Fish
 - Bluegill or Redear Sunfish (14)
 - Channel Catfish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
 - White, Black, or Hybrid
 - Crappie (15)
 - 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 5 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 10 Fish Daily Creel Limit
- Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Stephenson County
- All Fish
 - Bluegill or Redear Sunfish (14)
 - Channel Catfish
 - Large or Smallmouth Bass (14)
 - Large or Smallmouth Bass
 - Walleye, Sauger, or Hybrid
 - Walleye
 - White, Black, or Hybrid
 - Crappie (15)
 - 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 14" Minimum Length Limit
 - 25 Fish Daily Creel Limit
- Lake Mendota, City of Mendota
- LaSalle County
- Channel Catfish
 - Large or Smallmouth Bass (14)
 - 5 Fish Daily Creel Limit
 - 1 Fish > or = 15" &/or 2 < 12" Daily (31)
- Lake Michigan (Illinois Portion), State of Illinois
- Lake/Cook Counties
- Trout and Salmon
 - Trout and Salmon
 - 10" Minimum Length Limit
 - no more than 3 fish of any one species daily, except for Lake Trout
 - 2 Fish Daily Creel Limit
 - 25 Fish Daily Creel Limit
 - Closed During June
- Lake Trout
- Yellow Perch
- Yellow Perch
- Lake Milliken, Des Plaines Conservation Area
- Will County
- All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
 - Trout
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - Spring Closed Season (11)
- Lake Mingo & Kennekuk Cove Park Ponds, Vermillion County Conservation Area
- Vermillion County
- All Fish
 - Bluegill or Redear Sunfish (14)
 - Channel Catfish
 - Large or Smallmouth Bass
 - Walleye, Sauger, or Hybrid
 - Walleye
 - 2 Pole and Line Fishing Only (1)
 - 25 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 14" Minimum Length Limit
- Lake Murphysboro, Lake Murphysboro State Park
- Jackson County
- All Fish
 - Bluegill or Redear Sunfish (14)
 - Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 25 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Large or Smallmouth Bass - 15" Minimum Length Limit
- Lake Nellie, City of St. Elmo
Fayette County
- 2 Pole and Line Fishing Only (1)
 - 5 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass
 - Striped, White, or Hybrid
 - Striped Bass
 - Striped, White, or Hybrid
 - Striped Bass (16)

Lake of the Woods & Elk's Pond, Champaign County Forest Preserve District

- Champaign County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit
 - Spring Closed Season (11)
- Channel Catfish
- Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
 - Trout

Lake Olson, Rock Cut State Park

- Winnebago County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 5 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 1 Fish Daily Creel Limit
- Channel Catfish
- Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)

Lake Paradise, City of Mattoon

- Coles County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit
- Large or Smallmouth Bass

Lake Paradise Shadow Ponds, City of Mattoon

- Coles County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit
 - 5 Fish Daily Creel Limit
- Channel Catfish

Lake Sara, City of Effingham

- Effingham County
- Large or Smallmouth Bass
 - Walleye, Sauger, or Hybrid
 - Walleye
 - White, Black, or Hybrid
 - Crappie (15)
- Large or Smallmouth Bass
- 14" Minimum Length Limit
 - 14" Minimum Length Limit
 - 25 Fish Daily Creel Limit

Lake Shelbyville (21), U.S. Army Corps of Engineers
Moultrie/Shelby Counties

- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- (During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad Bridge from one-half hour before sunrise to 1 p.m.)
- Large or Smallmouth Bass
- 14" Minimum Length Limit
 - 36" Minimum Length Limit
- Pure Muskellunge
- Walleye
 - Walleye, Sauger, or Hybrid
 - White, Black, or Hybrid
 - Crappie (15)
 - White, Black, or Hybrid
 - Crappie
- Walleye
- 14" Minimum Length Limit
- White, Black, or Hybrid
- 10 Fish Daily Creel Limit
- White, Black, or Hybrid
- 10" Minimum Length Limit

Lake Shelbyville Ponds & Woods Lake, Lake Shelbyville State Fish and Wildlife Area (33)

- Moultrie/Shelby Counties
- All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Lake Sinissippi (19)

- Whiteside County
- Lake Springfield, City of Springfield
- Sangamon County
- All Fish
 - Large or Smallmouth Bass
 - Walleye, Sauger, or Hybrid
 - Walleye
 - White, Black, or Hybrid
 - Crappie (15)
 - White, Black, or Hybrid
 - Crappie
- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit
 - 14" Minimum Length Limit
 - 25 Fish Daily Creel Limit
 - 9" Minimum Length Limit

Lake Storey, City of Galesburg

- Knox County
- All Fish
 - Bluegill or Redear Sunfish (14)
 - Channel Catfish
 - Large or Smallmouth Bass
 - Walleye, Sauger, or Hybrid
 - Walleye
 - Walleye, Sauger, or Hybrid
 - Walleye (14)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
 - 5 Fish Daily Creel Limit
 - 12-15" Slot Length Limit (3)
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Lake Sule, Flagg-Rochelle Park District

- Ogle County
- All Fish
 - Bluegill or Redear
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black or Hybrid
- Crappie (15)
- Lake Taylorville, City of Taylorville
- Christian County
- Large or Smallmouth Bass
- White, Black, or Hybrid
- Crappie
- White, Black, or Hybrid
- Crappie (15)

Lake Vandalia, City of Vandalia

Payette County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)

Lake Vermilion, Vermilion County Conservation District

Vermilion County

- All Fish
- Large or Smallmouth Bass
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye
- 14" Minimum Length Limit (23)

Lake Williamsville, City of Williamsville

Sangamon County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

LaSalle Lake, LaSalle Power Station

LaSalle County

- All Fish
- Large or Smallmouth Bass (14)
- Large or Smallmouth Bass
- Striped, White, or Hybrid
- 2 Pole and Line Fishing Only (1)
- 1 Fish Daily Creel Limit
- 18" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Striped Bass (16)
- 10 Creel/3 Fish 17" or Longer Daily (17)
- Leving Lake, Rockford Park District
- Winnebago County
- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- Lincoln Log Cabin Pond, Lincoln Log Cabin Historical Site
- Coles County
- All Fish
- 2 Pole and Line Fishing Only (1)
- Lincoln Park North Lagoon, Chicago Park District
- Cook County
- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 5 Fish Daily Creel Limit
- Lincoln Park South Lagoon, Chicago Park District
- Cook County
- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 5 Fish Daily Creel Limit
- Lincoln Trail Lake, Lincoln Trail State Park
- Clark County
- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 5 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 12-15" Slot Length Limit (3)
- Little Black Slough, Little Black Slough State Natural Area
- Johnson County
- All Fish
- 2 Pole and Line Fishing Only (1)
- All Fish
- No Seines
- Little Sister Lake, County of Fulton
- Fulton County
- All Fish
- 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit
- Lou Yeager Lake, City of Litchfield
- Montgomery County
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 15" minimum Length Limit
- 3 Fish Daily Creel Limit
- Lower Cache River, Lower Cache River State Natural Area
- Pulaski/Johnson Counties

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- All Fish
All Fish
- 2 Pole and Line Fishing Only (1)
- No Seines
- Liveria Lake, Union County Conservation Area
Union County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- Mackinaw River (within the boundaries of Mackinaw River Fish and Wildlife Area)
Tazewell County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 12" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Macon County Conservation District Ponds, Macon County Conservation District
Macon County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- Maple Lake, Cook County Forest Preserve District
Cook County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Marquette Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Marshall County Conservation Area (Fishing Ditch), Marshall County
Conservation Area (33)
Marshall County
Unlawful to trespass upon designated waterfowl hunting areas 7 days prior to the waterfowl season and on areas designated as waterfowl refuges from October 10 until the end of the waterfowl season)
All Fish
- 2 Pole and Line Fishing Only (1)
- Marshall County Conservation Area - Sparland Unit (19)
Marshall County
- Mascoutah Reservoir, City of Mascoutah
St. Clair County
All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Mattoon Lake, City of Mattoon
Coles County
All Fish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- Mazonia-Braidwood Lakes & Ponds, Mazonia-Braidwood State Fish and Wildlife Area (33)
Grundy/Will Counties
(Braidwood Lake is closed to all fishing and boat traffic from 2 weeks prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with duck season)
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye
White, Black or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- Mautino Fish and Wildlife Area, Mautino Fish and Wildlife Area
Bureau County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 5 Fish Daily Creel Limit
- McCullom Lake, City of McHenry
McHenry County
All Fish
Channel Catfish
McKinley Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- McLeansboro City Lakes, City of McLeansboro
Hamilton County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Meredosia Lake - Cass County Portion Only (meandered waters only) (33)
Cass County

Meredosia Lake - Cass County Portion

Cass County
Meandered waters only) (All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes)

Mermet State Lake, Mermet Lake Conservation Area (33)
Massac County

- All Fish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Large or Smallmouth Bass

Middle Fork Forest Preserve Ponds, Champaign County Forest Preserve
Champaign County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14)
- 25 Fish Daily Creel Limit
- 5 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Large or Smallmouth Bass

Mill Creek Lake, Clark County Park District
Clark County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 5 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 12-15" Slot Length Limit (3)
- Walleye, Sauger, or Hybrid
- Walleye
- 14" Minimum Length Limit

Miller Park Lake, City of Bloomington
McLean County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 5 Fish Daily Creel Limit
- Spring Closed Season(11)
- Trout

Mineral Springs Park Lagoon, City of Pekin
Tazewell County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 5 Fish Daily Creel Limit
- Fall Closed Season (10)
- Trout

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26 (19)
Multiple Counties

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Mississippi River (between IL & IA), State of Illinois
Multiple Counties

- Large or Smallmouth Bass
- 14" Minimum Length Limit
- Northern Pike
- 5 Fish Daily Creel Limit
- Walleye and Sauger (14)
- 10 Fish Daily Creel Limit (24)
- Walleye
- 15" Minimum Length Limit

Mississippi River (between IL & MO), State of Illinois
Multiple Counties

Boating prohibited on refuge area immediately south of Melvin Price Lock and Dam 26 from October 15-April 15)

- Northern Pike
- 1 Fish Daily Creel Limit
- Walleye and Sauger (14)
- 5 Fish Daily Creel Limit

Monroe Reservoir, Will County Forest Preserve District

- Will County
- 2 Pole and Line Fishing Only (1)
- All Fish
- 5 Fish Daily Creel Limit
- Channel Catfish
- 1 Fish Daily Creel Limit
- Large or Smallmouth Bass (14)
- 1 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 15" Minimum Length Limit

Montrose Lake, City of Montrose

- Cumberland County
- 2 Pole and Line Fishing Only (1)
- All Fish
- 5 Fish Daily Creel Limit
- Channel Catfish
- 1 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 14" Minimum Length Limit

Mt. Olive City Lakes, City of Mt. Olive

- Macoupin County
- 2 Pole and Line Fishing Only (1)
- All Fish
- 5 Fish Daily Creel Limit
- Channel Catfish
- 6 Fish Daily Creel Limit

Mt. Olive (Old) Lake, City of Mt. Olive

- Macoupin County
- 15" Minimum Length Limit
- Large or Smallmouth Bass

Mt. Sterling Lake, City of Mt. Sterling

- Brown County
- 6 Fish Daily Creel Limit
- Channel Catfish
- 12-15" Slot Length Limit (3)
- Large or Smallmouth Bass

Mt. Vernon City Park Lake, City of Mt. Vernon

- Jefferson County
- 2 Pole and Line Fishing Only (1)
- All Fish
- 5 Fish Daily Creel Limit
- Channel Catfish

Mt. Vernon Game Farm Pond, Mt. Vernon Game Farm
Jefferson County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

All Fish
Trout
Trout

- 2 Pole and Line Fishing Only (1)
- Fall Closed Season (10)
- Spring Closed Season (11)

Mundelein Park Dist. (Diamond Lake & Park Ponds), City of Mundelein
Lake County

All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Nashville City Lake, City of Nashville
Washington County

All Fish
Channel Catfish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit

Newton Lake, Newton Lake State Fish and Wildlife Area
Jasper County

All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie

- 2 Pole and Line Fishing Only (1)
- 18" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 10" Minimum Length Limit

Oakford Conservation Area (Menard County) (19)
Menard County

Oakland City Lake, City Lake, City of Oakland
Coles County

All Fish
Channel Catfish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Ohio River (between Illinois & Kentucky), State of Illinois
Multiple Counties (19)

Large or Smallmouth Bass
Northern Pike
Muskie or Tiger Muskie
Walleye, Sauger, or Hybrid
Walleye (14)
White, Black, or Hybrid
Crappie (15)
Striped, White, Yellow or Hybrid

- 12" Minimum Length Limit
- No Length or Creel Limit
- 2 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit
- 30 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Striped Bass

- 30 Creel/4 Fish 15" or Longer Daily (32)

Ohio River-Smithland Pool Tributary Streams (in Pope/Hardin/Gallatin Counties, excluding Wabash River and Saline River Above Route 1 Bridge) (19)
Multiple Counties

Large and Smallmouth Bass

- 12" Minimum Length Limit

Otter Lake, Otter Lake Water Commission
Macoupin County

Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Pure Muskellunge

- 15" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 16" Minimum Length Limit

Palmyra City Lake & Terry Park Pond, City of Palmyra

Macoupin County
All Fish
Channel Catfish

- 1 Pole and Line Fishing Only (1)
- 3 Fish Daily Creel Limit

Pana Lake, City of Pana

Shelby and Christian Counties
All Fish
Channel Catfish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Paris East & West Lakes, City of Paris

Edgar County
All Fish
Channel Catfish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Peabody River King, Pit #3 Lakes and Ponds, River King State Conservation Area
St. Clair County

All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid Crappie

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit

Peelman Lake, Kickapoo State Park

Vermilion County
Large or Smallmouth Bass

- 14" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Pekin Lake (19)
Tazewell County
- Piasa (19)
Madison/Jersey Counties
- Pierce Lake, Rock Cut State Park
Winnebago County
All Fish
- Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- Pike County Conservation Area (19)
Pike County
- Pickneyville Lake, City of Pickneyville
Perry County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- Pine Creek
Ogle County
Trout
- Pine Creek (within the boundaries of White Pines Forest State Park)
Ogle County
All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Bass (14)
Trout
- Piscasaw Creek
McHenry County
Trout
Trout
- Pittsfield City Lake, City of Pittsfield
Pike County
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)(7)
- 5 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 36" Minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Spring Closed Season (11)
- 2 Pole and Line Fishing Only (1)
- 12" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Spring Closed Season (11)
- 9" Minimum Length Limit
- Spring Closed Season (11)
- 14" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Pocahontas Park Pond, City of Pocahontas
Bond County
All Fish
Channel Catfish
- Powerton Lake, Powerton Lake Fish and Wildlife Area (33)
Tazewell County
Shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of waterfowl season)
- All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 10 Creel/3 Fish 17" or Longer Daily (17)
- Walleye, Sauger, or Hybrid
Walleye (14)
Walleye, Sauger, or Hybrid
Walleye
- 1 Fish Daily Creel Limit
- 24" Minimum Length Limit
- Pratt Wayne Woods Lakes, DuPage County Forest Preserve
DuPage County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Prospect Pond, City of Moline
Rock Island County
Trout
- Fall Closed Season (10)
- Pyramid State Park Lakes & Ponds, Pyramid State Park
Perry County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Ramsey Lake, Ramsey Lake State Park
Payette County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 14" Minimum Length Limit
 - 10 Fish Daily Creel Limit
 - 9" Minimum Length Limit
- Randolph County Lake, Randolph County Conservation Area
Randolph County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Trout
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - Fall Closed Season (10)
 - 14" Minimum Length Limit

Red Hills Lake, Red Hills State Park

Lawrence County

- All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit

Red's Landing Wildlife Management Area (19)

Calhoun County

(Walk-in area closed to trespassing 7 days prior to duck season)

Redwing Slough/Deer Lake (33)

Lake County

Rend Lake, U.S. Army Corps of Engineers (22) (33)

Franklin County

- Large or Smallmouth Bass
Striped, White, Yellow, or Hybrid
Striped Bass (8)
- 14" Minimum Length Limit
 - 10 Creel/3 Fish 17" or Longer Daily (17)

Rend Lake Project Pond, U.S. Army Corps of Engineers

Franklin County

- All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Rice Lake Fish and Wildlife Area (33)

Fulton County

- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Ridge Lake, Fox Ridge State Park
Coles County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit
 - 14" Minimum Length Limit
 - 14" Minimum Length Limit

Riis Park Lagoon, Chicago Park District

Cook County

- All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Riprap Landing (19)

Calhoun County

Riverside Park Lagoon, Moline Park District

Rock Island County

- All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Rock Creek, State of Illinois

Kankakee County

- Spring Closed Season (11)

Rock River Main Stem Only (except reach from Oregon Dam to State Route 2 highway bridge at Grand Detour)

Multiple Counties

- Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
Walleye, Sauger, and Hybrid
Walleye
- 12" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Rock River Main Stem Only (from Oregon Dam to State Route 2 Highway Bridge at Grand Detour)

Ogle County

- Large or Smallmouth Bass
Walleye, Sauger, and
Hybrid Walleye
- Catch and Release Fishing Only (9)
 - 14" Minimum Length Limit

Rock Springs Pond, Macon County Conservation District

Macon County

- Spring Closed Season (11)

Roodhouse Park Lake, City of Roodhouse

Green County

- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Channel Catfish
- 5 Fish Daily Creel Limit
- St. Elmo South Lake, City of St. Elmo
Fayette County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- Sam Dale Lake, Sam Dale Conservation Area
Wayne County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger
and Hybrid Walleye
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- Sam Dale Trout Pond, Sam Dale Conservation Area
Wayne County
All Fish
Channel Catfish
Large or Smallmouth Bass
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Sam Parr Lake, Sam Parr State Park
Jasper County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- Sand Lake, Illinois Beach State Park
Lake County
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Trout
Trout
- 5 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Sangamon Conservation Area (33)
Mason/Cass/Schuyler/Menard Counties
- Sangochris Lake, Sangochris Lake State Park
Christian/Sangamon Counties
(Posted waterfowl refuge closed to all boat traffic during waterfowl season. Bank fishing along the dam shall be permitted. Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the goose season that follows the duck season)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- All Fish
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 2 Fish <15" &/or 1 Fish > or =15" Daily (25)
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit
Crappie
- Sangochris Lake Park Ponds, Sangochris Lake State Park
Sangamon County
All Fish
- 2 Pole and Line Fishing Only (1)
- Schuy-Rush Lake, City of Rushville
Schuyler County
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie
- 14" Minimum Length Limit
- 9" Minimum Length Limit
- Senior Citizen's Pond, Kankakee River State Park
Kankakee County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- Shabbona Lake, Shabbona Lake State Park
DeKalb County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 36" Minimum Length Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- Shawnee National Forest Lakes & Ponds less than 10 acres, U.S. Forest Service
Multiple Counties
All Fish
Channel Catfish
Largemouth, Smallmouth or Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Bay Creek Lake #5 and #8, U.S. Forest Service
Pope County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Largemouth, Smallmouth and Spotted Bass
- 15" Minimum Length Limit
- Shawnee National Forest - Dutchman Lake, U.S. Forest Service
Johnson County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- 15" Minimum Length Limit
- Largemouth, Smallmouth or Spotted Bass
- Shawnee National Forest - Lake Glendale, U.S. Forest Service
Pope County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- 15" Minimum Length Limit
- Largemouth, Smallmouth or Spotted Bass
- Shawnee National Forest - Little Cache #1, U.S. Forest Service
Johnson County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- 15" Minimum Length Limit
- Largemouth, Smallmouth or Spotted Bass
- Shawnee National Forest - Little Cedar Lake, U.S. Forest Service
Jackson County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- 15" Minimum Length Limit
- Largemouth, Smallmouth or Spotted Bass
- Shawnee National Forest - One Horse Gap Lake, U.S. Forest Service
Pope County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- 15" Minimum Length Limit
- Largemouth, Smallmouth or Spotted Bass
- Shawnee National Forest - Pounds Hollow Lake, U.S. Forest Service
Gallatin County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- 15" Minimum Length Limit
- Largemouth, Smallmouth or Spotted Bass
- Shawnee National Forest - Tecumseh Lake, U.S. Forest Service
Hardin County
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Channel Catfish
- 5 Fish Daily Creel Limit
- Largemouth, Smallmouth or Spotted Bass
- 15" Minimum Length Limit
- Shawnee National Forest - Turkey Bayou, U.S. Forest Service
Jackson County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- 15" Minimum Length Limit
- Largemouth, Smallmouth or Spotted Bass
- Shawnee National Forest - Whoopie Cat Lake, U.S. Forest Service
Hardin County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- 15" Minimum Length Limit
- Largemouth, Smallmouth or Spotted Bass
- Sherman Park Lagoon, Chicago Park District
Cook County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- Siloam Springs Lake, Siloam Springs State Park
Adams County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 12-15" Slot Length Limit (3)
 - Fall Closed Season (10)
 - Spring Closed Season (11)
- Channel Catfish
- Large or Smallmouth Bass
- Trout
- Silver Lake, DuPage County Forest Preserve District
DuPage County
- Spring Closed Season (11)
- Trout
- Silver Lake (Highland), City of Highland
Madison County
- 14" Minimum Length Limit
- Walleye, Sauger, or Hybrid Walleye
- Silver Springs S.P. (Big Lake) & Ponds, Silver Springs State Park
Kendall County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - Fall Closed Season (10)
 - Spring Closed Season (11)
- Channel Catfish
- Large or Smallmouth Bass
- Trout
- Trout

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Site M Ponds #1, #2, #3, and #4, Site M Conservation Area

- Cass County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 5 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass

Skokie Lagoons, Cook County Forest Preserve District

- Cook County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit
 - 18" Minimum Length Limit
- Large or Smallmouth Bass
- Walleye

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area

- Knox County
- All use other than waterfowl hunting prohibited from October 1 through the end of the goose season)
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 5 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 36" Minimum Length Limit

- Walleye, Sauger, or Hybrid
- Walleye (14)
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black, or Hybrid
- Crappie (15)

Sparta City Lakes, City of Sparta

- Randolph County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 5 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass

Spring Lake, City of Macomb

- McDonough County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit
- Channel Catfish
- Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
 - Striped, White, or Hybrid
 - Striped Bass
 - Striped, White, or Hybrid
 - Striped Bass (16)

Spring Lakes (North & South), Spring Lake Conservation Area (33)

Tazewell County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- All Fish
- 2 Pole and Line Fishing Only (1)(7)
 - 5 Fish Daily Creel Limit
- Channel Catfish

Large or Smallmouth Bass

- 12-15" Slot Length Limit (3)
 - 3 Fish Daily Creel Limit
 - 36" Minimum Length Limit
 - Pure Muskellunge
 - White, Black, or Hybrid
 - Crappie (15)
 - White, Black, or Hybrid
 - 3" Minimum Length Limit
- Crappie

Starved Rock State Park (19)

LaSalle County

Staunton City Lake, City of Staunton

- Macoupin County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 5 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Channel Catfish

- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)

Stephen A. Forbes State Park (19)

Marion County

Sterling Lake, Lake County Forest Preserve District

Lake County

- All Fish
 - 2 Pole & Line Fishing Only (1)
 - 5 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 36" Minimum Length Limit
 - 14" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass (14)
 - Large or Smallmouth Bass
 - Pure Muskellunge
 - Walleye, Sauger, or Hybrid
 - Walleye

Storm Lake, DeKalb Park District

DeKalb County

- All Fish
 - 2 Pole and Line Fishing (1)
 - 5 Fish Daily Creel Limit
- Channel Catfish

Stump Lake Wildlife Management Area (33)

Jersey County

Tampier Lake, Cook County Forest Preserve

Cook County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only
- 6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Walleve, Sauger, or Hybrid
Walleve

- 13" Minimum Length Limit

Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area

Hamilton/Jefferson Counties (19)

(Areas designated as refuge are closed to all access during the Canada goose season)

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 14" Minimum Length Limit

Tomahawk Lake, Moraine Hills State Park

McHenry County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Tremont Ponds, Village of Tremont

Tazewell County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Turner Lake, Chain O'Lakes State Park

Lake County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass (14)
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit

Tuscola City Lake, City of Tuscola

Douglas County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 14" Minimum Length Limit

Union County Conservation Area

Union County

(All fishing and boat traffic prohibited October 15-March 1)

Valley Lake, Wildwood Park District

Lake County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Vandalia Correctional Facility Ponds, State of Illinois

Fayette County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit

Vanhorn Woods Pond, Plainfield Park District

Will County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Vernor Lake, City of Olney

Richland County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 14" Minimum Length Limit

Villa Grove East Lake, City of Villa Grove

Douglas County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 14" Minimum Length Limit

Villa Grove West Lake, City of Villa Grove

Douglas County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Fall Closed Season (10)

Virginia City Reservoir, City of Virginia

Cass County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Waddams Creek

Stephenson County

- Trout
- Spring Closed Season (11)

Walnut Point Lake, Walnut Point State Fish and Wildlife Area

Douglas County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Walton Park Lake, City of Litchfield
Montgomery County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Warrior Lake, Moraine Hills State Park
McHenry County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Washington County Lake, Washington County Conservation Area
Washington County
All Fish
Channel Catfish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Washington Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Washington Park Pond, Springfield Park District
Sangamon County
Trout
Trout
- Fall Closed Season (10)
- Spring Closed Season (11)
- Waverly Lake, City of Waverly
Morgan County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Weinberg-King Pond, Weinberg-King State Park
Schuyler County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Weldon Springs Lake, Weldon Springs State Park
Dewitt County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Large or Smallmouth
Bass (14)
- 1 Fish Daily Creel Limit
- West Frankfort New City Lake, City of West Frankfort
Franklin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- West Frankfort Old City Lake, City of West Frankfort
Franklin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- White Hall City Lake, City of White Hall
Greene County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Wilderness Lake, Moraine Hills State Park
McHenry County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Wilderness Pond, Fox Ridge State Park
Coles County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- William W. Powers Conservation Area
(33)
Cook County
- Wolf Lake, William W. Powers Conservation Area (33)
Cook County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- Woodford Co. Cons. Area (Fishing Ditch), Woodford County (33)
Conservation Area
Woodford County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

All Fish

- 2 Pole and Line Fishing Only (1)

Wyman Lake, City of Sullivan
Moultrie County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Trout

- Spring Closed Season (11)

Yellow Creek

Stephenson County

Trout

- Spring Closed Season (11)

(Source: Amended at 19

Ill.

Reg.

10614

effective

JUL 1 1995

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Squirrel Hunting

- 2) Code Citation: 17 Ill. Adm. Code 690

- 3) Section Numbers: Adopted Action:

690.30

Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

- 5) Effective Date of Rulemaking: July 1, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: June 30, 1995

- 9) Notice of Proposal Published in Illinois Register: April 14, 1995, 19 Ill. Reg. 5374

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version:

In the Source Note, the commas following the "1982" and "1984" amendments were changed to semi-colons.

In Section 690.30(d), Chain O'Lakes, "five" was changed to "5" and "first-serve" was changed to "first-served."

In Section 690.30(d), Marseilles, a comma was added following "August."

In Section 690.30(g), the spelling of "parenthesis" was changed to "parentheses" and the comma following "February 15" was removed.

In Section 690.30(i), Sand Ridge, "(closes October 31)" was removed.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? Yes

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: This Part is being amended to

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

standardize squirrel hunting hours and regulations.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 690
SQUIRREL HUNTING

Section	Hunting Seasons
690.10	Statewide Regulations
690.20	Regulations at Various Department-Owned or -Managed Sites
690.30	

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 9642, effective July 21, 1982; amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1993, for a maximum of 150 days; amended at 8 Ill. Reg. 16789, effective August 30, 1984; amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. 8624, effective May 31, 1994; amended at 19 Ill. Reg. 10664, effective

JUL 1 1995

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- Only those sites listed in this Section marked with an asterisk (*) allow hunting with .22 caliber rimfire firearms or muzzle-loading black powder rifles. Hunting with .22 caliber rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1).
- Statewide regulations shall apply at the following sites except those listed in parentheses: Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- Statewide regulations apply at the following sites:
Anderson Lake Conservation Area (2)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- Argyle Lake State Park (2)
- Big Bend Conservation State Fish and Wildlife Area (2)
- Big River State Forest (2)
- Cache River State Natural Area (1)
- Campbell Pond Wildlife Management Area
- Carlyle Lake Lands and Waters - Corps of Engineers managed lands (1)
- Carlyle Lake Wildlife Management Area ~~in the~~ waterfowl management area from opening day to 9 days before the waterfowl season (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)
- Chain O'Lakes State Park (opens Wednesday after permit season for 5 consecutive days, except closed on Christmas Day; 3:00 a.m. to 4:00 p.m.; daily quota filled on first come, first-served basis; DOC issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used) (2)
- Crawford County Conservation Area (1) (2)
- Dog Island Wildlife Management Area (1) (2)
- Eldon Hazlet State Park (north of Allen Branch (2); and west of Peppenhorst Branch, ~~north of Allen Branch~~ only has a check station only)
- Ernie Cliffe State Park (2)
- Fort de Chartres Historic Site (hunting ~~with muzzleloading firearms or bow and arrow only~~) (1) (2)
- Fort Massac State Park ~~east of Massac Creek only~~ (2)
- ~~Green River State Wildlife Area~~ Lee County Conservation Area (September 6 - October 31)
- I-24 Wildlife Management Area (2)
- Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 37 days prior to and during duck season) (1) (2)

DEPARTMENT OF CONSERVATION

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- Kidd Lake State Natural Area
- Kinkaid Lake Fish and Wildlife Area (1)
- ~~Kaskaskia and West Okaw Wildlife Management Area~~ no handguns
- ~~Rockinaw State Fish and Wildlife Area~~ September 1 - September 11
- Marseilles Fish and Wildlife Area (Monday through Thursday from September 9 only through October 31; during August, hunting allowed west of E. 25th Road only) (2)
- Marshall State Fish and Wildlife Area (2)
- Mernett Lake Conservation Area from opening day through the day before the opening of the duck season (1) (2)
- Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)
- Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26 (1)
- Mississippi River Pools 21, 22, 24 (1)
- Oakford Conservation Area (1)
- Panther Creek Conservation Area (1) (2)
- Pike County Conservation Area no hunting after November 30 in Area A; no hunting after December 15 in Area C (1) (2)
- ~~Ramsey Lake State Park~~
- Randolph County Conservation Area (2)
- Red Hills State Park (2)
- Rend Lake Project Lands and Waters (1)
- Saline County Conservation Fish and Wildlife Area North of the township road (1) (2)
- Sam Dale Lake Conservation Area (2)
- Sam Parr Fish and Wildlife Area State Park (2)

DEPARTMENT OF CONSERVATION
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- * Sand--Ridge--State--Forest--from--opening--day--through--the--day--before--the--opening--of--the--rabbit--hunting--season--hunters--must--sign--out--at--the--hunter--check--station
- * Sangamon County Conservation Area (1)
- * Sangamo Conservation State Fish and Wildlife Area (1)
- * Shawnee National Forest, Oakwood Bottoms (non-toxic shot only) (1)
- * Site--M--parking--is--permitted--at--designated--parking--areas--only--hunters--must--sign--in--and--sign--out--at--the--hunter--check--station
- * Stephen A. Forbes State Park (2)
- * Sunspot--Mine--Pulitzer--and--Schuyler--Counties
- * Tapley Woods State Natural Area (2)
- * Ten--Mile--Creek--State--Fish--and--Wildlife--Area--(permit--required--areas--designated--as--Refuge--are--closed--to--all--access--during--Canada--Goose--Season--only--permit--must--be--returned--by--February--15--to--State--Wildlife--Manager--P.O.--Box--3137--Olney--IL--62450)
- * Trail of Tears State Forest (1)
- * Turkey Bluffs State Fish and Wildlife Area (1) (2)
- * Walnut Point Fish and Wildlife Area (2)
- * Washington County Conservation Area (2)
- * Weinberg--King State Park (1) (2)
- * Wildcat Hollow State Forest (1)
- * Witkowsky State Wildlife Area (season--opens--November--1--closes--October 31) (2)
- * Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:
Perry--Riviera--State--Park
Giant City State Park
Hamilton County Conservation Area (2)
Pere Marquette State Park (2)
- * Pyramid State Park (2)
- * Saline--County--Conservation--Area--(south--of--Township--Road)
- * Siloam Springs State Park (2)
- * Walnut--Point--Fish--and--Wildlife--Area--(season--closes--October--31--the--following--season--dates--shall--apply--on--the--following--sites--exceptions--to--statewide--hours--are--listed--in--parentheses--):
Bastie--Rock--State--Park--September--1--October--15
Chain--Oakes--State--Park--opens--Wednesday--after--permit--presents--season--for--five--consecutive--days--except--closed--on--Christmas--Day--1000--a.m.--to--400--p.m.--hunters--must--check--in--and--check--out--daily--quote--filled--on--first--come--first--serve--basis--quote--closed--back--patch--must--be--worn--while--hunting--only--shot--size--of--No--5--lead--or--No--3--steel--or--smaller--may--be--used
- * Horseshoe--Lake--Conservation--Area--Alexander--County--Public--Goose--Hunting--Area--August--1--October--15--other--portions--of--Public--Hunting--Area--open--during--statewide--season
- * Leopards--County--Conservation--Area--September--1--30
- * Johnson--Sank--Grati--State--Park--September--16--30
- * Jubilee--College--State--Park--September--1--30--(Sunrise--400--p.m.--)
- * Kankakee--River--State--Park--September--1--30
- * Moraine--View--State--Park--September--1--day--before--opening--of--state--permit--presents--season--(Sunrise--400--p.m.--)
- * Silver--Springs--State--Park--September--1--30--in--Areas--B--and--G--harvest--must--be--reported--before--leaving--the--state--daily--quote--filled--on--first--come--first--serve--basis
- * Spring--Lake--Conservation--Area--September--10--30--(Sunrise--400--p.m.--)
- * Union--County--Conservation--Area--Public--Goose--Hunting--Area--August--1--October--15--other--portions--of--Public--Hunting--Area--open--during--statewide--season
- * Woodford--County--Conservation--Area--September--1--30
- * Statewide--regulations--as--provided--in--this--part--apply--to--the--following--sites--with--exceptions--noted--in--parentheses--in--addition--hunters--must--

DEPARTMENT OF CONSERVATION

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* Obtain a free permit from site officer. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following year.

* Chauncey Marsh permit may be obtained at Red Hills State Park Headquarters, no hunting in dedicated Nature Preserve.

Clinton Lake State Park

Eagle Creek State Park (Season opens September 15)

* Fox Ridge State Park (no handguns)

* Hidden Springs State Forest (22 rifle fires and muzzle-loading rifles permitted after October 1 only, no handguns)

* Kickapoo State Park

* Lake Shelbyville - Eagle Creek Wildlife Management Area (no handguns)

Middle Fork Fish and Wildlife Area

Mt. Vernon Propagation Center (August 1 - September 30, sunrise to 12:00 Noon) - site permit required, report by October 15 or lose hunting privileges the following year

1) Season dates shall be the day after Labor Day to September 30 at the following sites:

Johnson-Sauk Trail State Park (2)

Jubilee College State Park (2)

Kankakee River State Park (2)

Silver Springs State Park (2)

Spring Lake Fish and Wildlife Area (2)

2) Statewide regulations apply at the following sites, except that hunters must obtain a free permit from the Department and variations in season dates are in parentheses. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or the hunter will forfeit privileges at that site for the following year:

DEPARTMENT OF CONSERVATION

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Chauncey Marsh permit may be obtained at Red Hills State Park Headquarters (1)

Clinton Lake State Recreation Area

Fox Ridge State Park (1)

Hidden Springs State Forest (22 rifle firearms and muzzle-loading blackpowder rifles prohibited until October 1) (1)

Kickapoo State Park (season opens day after Labor Day)

Lake Shelbyville - Eagle Creek State Park

Lake Shelbyville - Eagle Creek Wildlife Management Area (1)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (1)

Middlefork Fish and Wildlife Area (season opens day after Labor Day)

Moraine View State Park

Mt. Vernon Game Propagation Center (closes September 30)

Ramsey Lake State Park

Site M (the Quality Unit and Controlled Unit close October 31) (1)

Ten Mile Creek Fish and Wildlife Area (1)

2) Season dates shall be statewide opening through September 30 at the following sites:

Castle Rock State Park (2)

Iroquois County Wildlife Management Area (1) (2)

Mackinaw State Fish and Wildlife Area (2)

Woodford County Fish and Wildlife Area (2)

3) Season dates shall be statewide opening through October 31 at the following sites:

Green River State Wildlife Area (2)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Horseshoe Lake Conservation Area (season on the controlled goose hunting area shall close October 31, remainder of the public hunting area statewide season) (1)

Sand Ridge State Forest (1) (2)

Union County Conservation Area (season on the controlled goose hunting area closes October 31; firing line unit - statewide closing) (1)

Source: Amended at 19 Ill. Reg. **10664**, effective
JUL 1 1995

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

2) Code Citation: 89 Ill. Adm. Code 149

3) Section Numbers: Adopted Action:

149.5 Amendment
149.25 Amendment
149.100 Amendment
149.105 Amendment
149.125 Amendment
149.140 Repeal
149.150 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Effective Date of Rulemaking: July 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 1, 1995

9) Notice of Proposal Published in Illinois Register:

March 17, 1995 (19 Ill. Reg. 3139)

10) Has JCPR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

The following changes have been made in the proposed amendments.

Technical changes have been made in the Authority Note following the initial section outline.

Section 149.5

In subsections (c)(4) and (5), the word "means" has been deleted.

Section 149.100

In subsection (a)(2)(D), the new language has been further revised to read, "; DRG 495, lung transplant."

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

In subsection (c)(4), the following language near the end of the subsection has been stricken, ";and, on a retrospective basis."

Section 149.105

In subsection (b)(2), the new language has been further revised to read, "the marginal cost factor, as defined in Section 149.5(c)(4)."

Section 149.125

Subsection (b)(2) has been relabeled so that subsection (b)(2)(C) is now (b)(3), and subsection (b)(2)(D) is now (b)(4).

The source note at the end of the Section has been corrected.

Section 149.140

The source note at the end of the Section has been corrected.

No other changes have been made in the text of the proposed amendments.

(2) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

(3) Will this rulemaking replace an emergency rule currently in effect? No

(4) Are there any amendments pending on this Part? No

(5) Summary and Purpose of Rulemaking:

These amendments affect the Department's rules concerning the Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) for the inpatient hospital services. The amendments bring the Department into compliance with statutory requirements and changes regarding the Medicare methodology utilized in computing outlier adjustment payments, and with provisions of Public Act 88-554 concerning the elimination of certain adjustment payments.

Section 149.105 contains provisions regarding the cost of care beyond thresholds specified by the Department, or outlier provisions. According to federal regulations, Medicaid outlier adjustment payments must be calculated according to current Medicare standards. In Section 149.5, definitions for new terms have been added which pertain to these Medicare revisions. The terms "marginal cost factor" and "cost outlier threshold" now bear the same meanings as those employed by Medicare.

Other changes throughout these rules are necessary to comply with provisions of Public Act 88-554, concerning certain add-on payments. Effective July 1, 1995, adjustment payments for health care education,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

uncompensated care, kidney acquisition costs, and non-physical anesthesia are eliminated. On this basis, Section 149.140 which addresses the methodology for determining primary care access health care education payments, is repealed.

(6) Information and questions regarding these adopted amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER C: MEDICAL PROGRAMS

PART 149

DIAGNOSIS RELATED GROUPING (DRG) PROSPECTIVE PAYMENT SYSTEM (PPS)

- Section
- 149.5 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
 - 149.10 Applicability of Other Provisions
 - 149.25 General Provisions
 - 149.50 Hospital Services Subject to and Excluded from the DRG Prospective Payment System
 - 149.75 Conditions for Payment Under the DRG Prospective Payment System
 - 149.100 Basic Methodology for Determining DRG Prospective Payment Rates
 - 149.105 Payment For Outlier Cases
 - 149.125 Special Treatment of Certain Facilities
 - 149.140 Methodology for Determining Primary Care Access Health Care Education Payments (Repealed)
 - 149.150 Payments to Hospitals Under the DRG Prospective Payment System
 - 149.175 Payments to Contracting Hospitals (Repealed)
 - 149.200 Admitting and Clinical Privileges (Repealed)
 - 149.205 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Repealed)
 - 149.225 Payment to Hospitals for Inpatient Services or Care not Provided Under the ICARE Program (Repealed)
 - 149.250 Contract Monitoring (Repealed)
 - 149.275 Transfer of Recipients (Repealed)
 - 149.300 Validity of Contracts (Repealed)
 - 149.305 Termination of ICARE Contracts (Repealed)
 - 149.325 Hospital Services Procurement Advisory Board (Repealed)

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act 20 ILCS 2215/Art. III and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI, VII and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 140.340 thru 140.972 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. at 12095, effective July 15, 1988; amended at 13 Ill. Reg. 554, effective January 1, 1989; amended at 13 Ill. Reg. 15070, effective September 15, 1989; amended at 15 Ill. Reg. 1826, effective January 28, 1991; emergency amendment at 15 Ill. Reg. 16308, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6195, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11937, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14733, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19868, effective December 7, 1992; amended at 17 Ill. Reg. 3217, effective March 1, 1993; emergency amendment at 17 Ill. Reg. 17275, effective October 1, 1993, for

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a maximum of 150 days; amended at 18 Ill. Reg. 3378, effective February 25, 1994; amended at 19 Ill. Reg. **10674**, effective **JUL 1 1995**.

Section 149.5 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

a) Sections 149.25 through 149.150 describe:

- 1) The basis of payment for inpatient hospital services under the DRG PPS and set forth the general basis for the system;
- 2) Classifications of hospitals that are included and excluded from the DRG PPS and the requirements governing inclusion or exclusion of hospitals in the system as a result of changes in their classification;
- 3) Conditions that must be met for a hospital to receive payment under the DRG PPS;
- 4) The methodology by which DRG prospective rates are determined;
- 5) The methodology for determining additional payments for outlier cases;
- 6) The rules for special treatment of certain facilities; and
- 7) The types, amounts and methods of payment to hospitals under the DRG PPS.

c) Notwithstanding any other provisions of this Part, reimbursement to hospitals for services provided October 1, 1992, through March 31, 1994, shall be as follows:

- 1) Base Inpatient Payment Rate. For inpatient hospital services rendered, or, if applicable, for inpatient hospital admissions occurring, on and after October 1, 1992, and on or before March 31, 1994, the Department shall reimburse hospitals for inpatient services at the base inpatient payment rate calculated for each hospital, as of June 30, 1993. The term "base inpatient payment rate" shall include the reimbursement rates calculated effective October 1, 1992, under Part 149.
- 2) Exceptions. The provisions of subsection (b)(1) above shall not apply to:
 - A) Hospitals reimbursed under 89 Ill. Adm. Code 148.82, 148.160, or 148.170. Reimbursement for such hospitals shall be in accordance with 89 Ill. Adm. Code 148.82, 148.160, or 148.170, as applicable.
 - B) Hospitals reclassified as rural hospitals as described in 89 Ill. Adm. Code 148.40(f)(4). Reimbursement for such hospitals shall be in accordance with 89 Ill. Adm. Code 148.40(f)(4) and 148.260, or Section 149.100(c)(1)(A), whichever is applicable.
 - C) The inpatient payment adjustments described in 89 Ill. Adm. Code 148.120, 148.150, and 148.290. Reimbursement for such inpatient payment adjustments shall be in accordance with 89 Ill. Adm. Code 148.120, 148.150, and 148.290, and shall be in addition to the base inpatient payment rate described in

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subsection (b)(1) above.

c) Definitions

Unless specifically stated otherwise, the definitions of terms used in this Part are as follows:

- 1) "DRG grouper" means:
 - A) For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A), the HCFA Medicare DRG grouper in effect on September 1, 1992, adjusted for differences in Medicare and Medicaid policies and populations, as described in Section 149.100(a)(1).
 - B) For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(B), the HCFA Medicare DRG grouper which is in effect 90 days prior to the date of admission, adjusted for differences in Medicare and Medicaid policies and populations, as described in Section 149.100(a)(1).
- 2) "Medicare weighting factor" means:
 - A) For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A), the Medicare DRG weighting factors in effect on September 1, 1992, adjusted for differences in Medicare and Medicaid policies and populations, as described in Section 149.100(a)(2).
 - B) For the rate periods described in 89 Ill. Adm. Code 148.25(g)(2)(B), the Medicare DRG weighting factors in effect 90 days prior to the date of admission, adjusted for differences in Medicare and Medicaid policies and populations, as described in Section 149.100(a)(2).
- 3) "PPS Pricer" means:
 - A) For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A), the HCFA Medicare PPS Pricer, Version 92.0.
 - B) For the rate periods described in 89 Ill. Adm. Code 148.25(g)(2)(B), the HCFA Medicare PPS Pricer version that is in effect 90 days prior to the date of admission.
- 4) "Marginal Cost Factor":
 - A) For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A), the marginal cost factor shall be the same as that employed by Medicare on September 1, 1992.
 - B) For the rate periods described in 89 Ill. Adm. Code 148.25(g)(2)(B), the marginal cost factor shall be the same as that employed by Medicare 90 days prior to the date of admission.
- 5) "Cost Outlier Threshold" means:
 - A) For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A), the cost outlier threshold shall be the same as that employed by Medicare on September 1, 1992, adjusted for the differences in Medicare and Medicaid policies and population, as described in Section 149.100(a)(1).
 - B) For the rate periods described in 89 Ill. Adm. Code

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148.25(g)(2)(B), the cost outlier threshold/fixed loss threshold shall be the same as that employed by Medicare 90 days prior to the date of admission.

(Source: Amended at 19 Ill. Reg. **10674**, effective **JUL 1 1995**)

Section 149.25 General Provisions

a) Basis of Payment

1) Payment on a Per Discharge Basis

- A) Under the DRG PPS, hospitals are paid a predetermined amount per discharge for inpatient hospital services furnished to persons receiving coverage under the Medicaid Program.
- B) The DRG prospective payment rate for each discharge (as defined in subsection (b) below) is determined according to the methodology described in Sections 149.100 and 149.150, as appropriate. An additional payment is made, in accordance with Sections 149.105 and 149.125--and--149.149, as appropriate. The rates paid shall be those in effect on the date of admission.

2) Payment in Full

- A) The DRG prospective payment amount paid for inpatient hospital services is the total Medicaid payment for the inpatient operating costs (as described in subsection (a)(3) below) incurred in furnishing services covered under the Medicaid Program.
- B) Except as provided for in subsection (b) below, the full DRG prospective payment amount, as determined under Sections 149.100 and 149.150, as appropriate, is made for each stay during which there is at least one Medicaid eligible day of care.
- 3) Inpatient Operating Costs. The DRG PPS provides a payment amount for inpatient operating costs, including:
 - A) Operating costs for routine services (as described in 42 CFR 413.53(b), revised as of September 1, 1990), such as the costs of room, board, and routine nursing services;
 - B) Operating costs for ancillary services, such as radiology and laboratory services furnished to hospital inpatients;
 - C) Special care unit operating costs (intensive care type unit services as described in 42 CFR 413.53(b), revised as of September 1, 1990); and
 - D) Malpractice insurance costs related to services furnished to inpatients; and
 - E) Hospital-based physician costs as described in Section 149.75(h)(1)(A).
- 4) Excluded Costs/Services. The following inpatient hospital costs are excluded from the DRG prospective payment amounts:

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- A) Transplantation cost, including acquisition cost incurred by approved transplantation centers as described in 89 Ill. Adm. Code 148.82. Kidney and cornea transplant costs shall be reimbursed under the appropriate methodology described in Sections 149.100 and 149.150 or in 89 Ill. Adm. Code Sections 148.160, 148.170 or 148.250 through 148.300. ~~Kidney acquisition costs shall be reimbursed in accordance with Section 149.150(e)(4).~~
- B) Costs of psychiatric services incurred by a provider enrolled with the Department to provide those services (category of service 21). Such services shall be reimbursed under 89 Ill. Adm. Code 148.270(b).
- C) Costs of non emergency psychiatric services incurred by a provider that is not enrolled with the Department to provide those services (category of service 21). Such services shall not be eligible for reimbursement.
- D) Costs of emergency psychiatric services exceeding the maximum of three days emergency treatment incurred by a provider that is not enrolled with the Department to provide those services (DRGs 424-432). Such services exceeding the maximum of three days shall not be eligible for reimbursement.
- E) Costs of physical rehabilitation services incurred by a provider enrolled with the Department to provide those services (category of service 22). Such services shall be reimbursed under 89 Ill. Adm. Code 148.270(b).
- F) Costs of rehabilitation for drug and alcohol abuse (DRG 436 and that part of DRG 437 apportioned to rehabilitation). Such services shall be reimbursed under 89 Ill. Adm. Code 148.340 through 148.390.
- 5) Additional Payments to Hospitals. In addition to payments based on the DRG prospective payment rates, hospitals will receive payments for the following:
- A) A typically long or extraordinary costly (outlier) cases, as described in Section 149.105.
- B) Certain costs excluded from the prospective payment rate under subsection (a)(4) above.
- C) The cost of serving a disproportionately high share of low income patients (as defined and determined in Section 149.125(a)(2)).
- D) ~~Uncompensated care costs--(as--defined--and--determined--in Section 149.125(f)(3)).~~
- E) Specific inpatient payment adjustments (as defined and determined in Section 149.125(a)(3) 149.125(f)(4)).
- F) ~~Health care education payments--(as--defined--and--determined--in Section 149.146).~~
- G) ~~Retired--registered--nurse--anesthetist--(CRNA)--costs--in accordance with Section 149.150(e)(4).~~

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- H) ~~Kidney acquisition costs--in--accordance--with--Section 149.150(e)(4).~~
- I) Discharges and transfers
- 1) Discharges. A hospital inpatient is considered discharged when any of the following occurs:
- A) The patient is formally released from the hospital except when the patient is transferred to another hospital or a distinct part unit as described in Section 149.50(d) (see subsection (b)(2) below).
- B) The patient dies in the hospital.
- C) Transfers. A hospital inpatient is considered transferred when the patient is placed in the care of another hospital or a distinct part unit as described in Section 149.50(d).
- 2) Payment in Full to the Discharging Hospital. The hospital discharging an inpatient (subsection (b)(1)(A) above) is paid in full, in accordance with subsection (a)(2) above unless the discharging hospital or distinct part unit is excluded from the DRG PPS as described in Section 149.50(b), (c) and (d). In the event the discharging hospital or distinct part unit is excluded or exempted from the DRG PPS, that hospital or distinct part unit shall receive payment in full in accordance with 89 Ill. Adm. Code 148.160, 148.170 or 148.250 through 148.300.
- 4) Payment to a Hospital Transferring an Inpatient to Another Hospital or District Part Unit
- A) A hospital reimbursed under the DRG PPS that transfers an inpatient, under the circumstances described in subsection (b)(2), is paid a per diem rate for each day of the patient's stay in that hospital but the total reimbursement shall not exceed the amount that would have been paid under Section 149.100 if the patient had been discharged. The per diem rate is determined by dividing the appropriate prospective payment rate (as determined under Section 149.100) by the geometric length of stay for the specific DRG to which the case is classified.
- B) Except, if a discharge is classified into DRGs 385 or 985 (neonates, died or transferred to another acute care facility) or DRG 456 (burns, transferred to another acute care facility), and the hospital is reimbursed under the DRG PPS, the transferring hospital is paid in accordance with subsection (a)(2).
- C) A transferring hospital reimbursed under the DRG PPS may qualify for an additional payment for extraordinarily high cost cases that meet the criteria for cost outliers as described in Section 149.105.
- D) A hospital or distinct part unit excluded from the DRG PPS, as described in Section 149.50(b), (c) or (d), that transfers an inpatient under the circumstances described in subsection (b)(2) of this Section, is reimbursed in

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accordance with 89 Ill. Adm. Code 148.160, 148.170 or 148.250 through 148.300.

- c) Admission Prior to September 1, 1991. With respect to admissions prior to September 1, 1991, hospitals will receive their per diem reimbursement rate that was in effect July 1, 1991 for each covered day of care provided through the discharge of the patient.

d) DRG Classification System

- i) The Department will utilize the DRG Grouper, as described in Section 149.5(c)(1), modified to handle additional DRGs and revised ICD-9-CM codes, as defined by the Department, to place claims into DRG payment classifications.
- ii) The Department will define additional DRGs that, for hospitals designated as Level III perinatal centers by the Illinois Department of Public Health, replace DRG 385 (neonates, died or transferred to another acute care facility), DRG 386 (extreme immaturity or respiratory distress syndrome, neonate), DRG 387 (prematurity with major problems) and DRG 389 (full term neonate with major problems).

Source: Amended at 19 Ill. Reg. 106'4, effective JUL 1 1995.

Section 149.100 Basic Methodology for Determining DRG Prospective Payment Rates

a) DRG Classification and Weighting Factors

- i) DRG Classification. The Department will utilize the DRG Grouper, as described in Section 149.5(c)(1), to classify inpatient hospital discharges by diagnosis related groups (DRGs) as defined by federal regulation for the Medicare Program (42 CFR 412), with modifications deemed appropriate due to the differences in the Medicare and Medicaid patient populations and Illinois Medicaid policy.

2) DRG Weighting Factors

- A) Except as provided in subsections (a)(2)(B) through (a)(2)(E) below, the Illinois Medicaid weighting factor for each DRG shall equal the Medicare weighting factor, as described in Section 149.5(c)(2), for that group, multiplied by a fraction, the numerator of which is the Medicaid geometric mean length of stay and the denominator of which is the Medicare geometric mean length of stay for that group. In making that calculation, the Department shall:
 - i) Use the Medicare geometric mean length of stay for each diagnostic-related group as determined by the Health Care Financing Administration of the United States Department of Health and Human Services.
 - ii) Calculate the Medicaid geometric mean length of stay for each diagnostic-related group using the same

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methodology employed to calculate the Medicare geometric mean length of stay and using data obtained from the Illinois Health Care Cost Containment Council or the Definitions Data bases.

- B) The Illinois weighting factors for neonatal discharges (Medicare-defined DRGs 385-391 and Illinois-defined DRGs for Level III perinatal centers) shall be the product of the ratio of the mean cost per discharge (defined below) of the given DRG to the mean cost per discharge for DRG 391 (normal newborn) and the Medicare scaling factor (defined below), such that the Illinois and Medicare weighting factors for DRG 391 are the same.

- i) Mean cost per discharge, for any DRG, is defined as the sum of the product of charges, as reported by a hospital on claims paid by the Department, less costs stated--as--otherwise--reimbursed--under--Section 149.159(c)7 for capital, direct and indirect medical education, updated to the current rate year using the national hospital market basket price proxies (DRI) and the hospital's cost to charge ratio, as derived from the hospital's most recent audited cost report divided by the number of discharges for that DRG.

- ii) Medicare scaling factor is defined as the Medicare weighting factor for DRG 391 (normal newborns).

- C) The Illinois weighting factors for psychiatric discharges (DRGs 424-432) shall be computed as specified in subsections (a)(1) and (a)(2) except, prior to computing the Medicaid geometric mean length of stay for those DRGs, all lengths of stay longer than three (3) days are to be set at three (3) days.

- D) The Illinois weighting factors for DRGs that will not be paid through the DRG PPS are zero (0.0000). Those include DRG 103, heart transplant; DRG 462, rehabilitation; DRG 480, liver transplant; DRG 436, alcohol/drug dependence with rehabilitation therapy; DRG 481, bone marrow transplant; DRG 495, lung transplant.

- E) Except for DRGs otherwise specified in subsections (a)(2)(B) through (a)(2)(D), the Illinois weighting factors for DRGs for which available historic discharge data are sparse, fewer than 100 records, shall be computed using an alternate methodology.

- i) For rate periods beginning on or after October 1, 1992, for those DRGs with 32 or more records available, the Illinois weighting factor shall be set at the midpoint between the weight calculated using the methodology in subsection (a)(2)(A) and the Medicare weighting factor, as described in Section 149.5(c)(2).

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- ii) For those DRGs with fewer than 32 records available, the Illinois weighting factor shall be set equivalent to the Medicare weighting factor, as described in Section 149.5(c)(2).
- 2) Assignment of Discharges to DRGs. The Department will establish a methodology for classifying specific hospital discharges within DRGs which ensures that each hospital discharge is appropriately assigned to a single DRG, based on essential data abstracted from the inpatient bill for that discharge.
 - A) The classification of a particular discharge will, as appropriate, be based on the patient's age, sex, principal diagnosis (that is, the diagnosis established after study to be chiefly responsible for causing the patient's admission to the hospital), secondary diagnoses, procedures performed, and discharge status.
 - B) Each discharge will be assigned to only one DRG (related, except as provided in subsection (a)(3)(C), to the patient's principal diagnosis) regardless of the number of conditions treated or services furnished during the patient's stay.
 - C) When the discharge data submitted by a hospital show a surgical procedure unrelated to a patient's principal diagnosis, the bill will be subject to prepayment review for validation and reverification. The Definitions DRG classification system will provide a DRG, and an appropriate weighting factor, for cases for which the untreated diagnosis and procedure are confirmed.
- 4) Review of DRG Assignment
 - A) A hospital has 60 days after the date of the remittance advice indicating initial assignment of a discharge to a DRG to request a review of the assignment. The hospital may submit additional information as a part of its request.
 - B) The Department shall review the hospital's request and any additional information and decide whether a change in the DRG assignment is appropriate. If the Department decides that a higher-weighted DRG should be assigned, it must request the Definitions peer review organization to review the case to verify the change in DRG assignment.
 - C) Following the 60-day period described in subsection (a)(4)(A) above, the hospital may not submit additional information with respect to the DRG assignment or otherwise revise its claim.
- b) Illinois Rates for Admission
 - 1) Reimbursement to hospitals for claims for admissions occurring prior to October 1, 1992, shall be calculated and paid in accordance with the statutes and administrative rules governing the time period when the services were rendered. The payments described in Sections 149.5 through 149.150 and 89 Ill. Adm. Code 148.250 through 148.300 shall be effective for admissions on and

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- after October 1, 1992, subject to 89 Ill. Adm. Code 148.20(b) and Section 149.5(b).
- 2) The payments described in 89 Ill. Adm. Code 148.82 shall be effective for services provided on or after July 1, 1992.
- c) Determining Prospective Payment Rates
 - 1) Federal/Regional Blended Rate per Discharge
 - A) Except as specified in subsection (c)(1)(B) below, the Department shall reimburse hospitals for inpatient services at the federal/regional blended rate per discharge for the Medicare Program, which includes the hospital-specific portion as described in subsection (c)(2) below, if applicable, and as computed by the PPS Pricer, as described in Section 149.5(c)(3).
 - 3) In the case of a hospital that was not determined by the Department to be a rural hospital at the beginning of the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A), but was subsequently reclassified by the Department as a rural hospital, as described in 89 Ill. Adm. Code 148.25(g)(3), on July 15, 1993:
 - i) Effective with admissions occurring on October 1, 1993, and for the duration of the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A), the Department shall recompute such hospital's DRG PPS payment rate using the rural hospital payment rate applicable to the rural hospital federal/regional, rural wage adjusted, blended rate per discharge in effect on September 1, 1992, under the Medicare Program.
 - ii) Effective with admissions occurring on or after the rate periods described in 89 Ill. Adm. Code 148.25(g)(2)(B), the Department shall compute such hospital's DRG PPS payment rate using the rural hospital federal/regional, rural wage adjusted, blended rate per discharge in effect 90 days prior to the date of admission, under the Medicare Program.
- 2) Hospital-Specific Portion
 - The hospital-specific portion is defined as the specific status and any applicable add-ons under the Medicare Program in recognition of sole community hospitals, rural referral centers and Medicare dependent hospitals, and rural hospitals deemed urban.
- 3) DRG PPS Base Rate
 - The DRG PPS base rate shall be defined as the sum of the amounts computed under subsections (c)(1) and (c)(2), multiplied by the Illinois weighting factor assigned to the DRG into which the case has been classified.
- 4) Payment Adjustments
 - In addition to the DRG PPS base rate defined in subsection (c)(3), hospitals shall receive applicable outlier adjustments,

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in accordance with Section 149.105; applicable adjustments for health-care--admission--payments--in--accordance--with--Section 149.105; applicable adjustments for indirect--medical--education costs; capital costs--direct--medical--education--costs--and--GRNA costs in accordance with Section 149.150(c); applicable adjustments for disproportionate share, in accordance with 89 Ill. Adm. Code 148.120; applicable adjustments for uncompensated care, in accordance with 89 Ill. Adm. Code 148.150; various specific inpatient payment adjustments, as applicable, in accordance with 89 Ill. Adm. Code 148.290--and--on--a--retrospective--costs--any--applicable--adjustment--for--kidney acquisition--costs--in--accordance--with--Section 149.150(c)(5).

d) Application of Upper Payment Limits. The Department shall adjust each of the prospective payment rates determined under subsection (c) above with the exception of disproportionate share payment adjustments made in accordance with 89 Ill. Adm. Code 148.120) to ensure that aggregate payments do not exceed the amount that can reasonably be estimated would have been paid under Medicare payment principles, in compliance with 42 CFR 447.272, Application of Upper Payment Limits.

Source: Amended at 19 Ill. Reg. **10674**, effective **JUL 1 1995**

Section 149.105 Payment For Outlier Cases

a) General Provisions

i) Except as provided in subsections (a)(3) and (a)(4) of this Section, the Department provides for additional payment, approximating a hospital's marginal cost of care beyond thresholds specified by the Department, to a hospital for covered inpatient hospital services furnished to a Medicaid client, if either of the conditions in the following subsections (A) or (B) apply. The client's length of stay (including up to three administrative days) exceeds the day outlier threshold, determined by the Department, for the appropriate applicable DRG.

A) For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A), the threshold is set at the lesser of the geometric mean length of stay plus three standard deviations, or the Medicare day outlier cutoff threshold in effect 90 days prior to the date of admission, adjusted by a factor, the numerator of which is the Medicaid geometric length of stay, and the denominator of which is the average Medicare geometric mean length of stay.

2) The hospital's charges for covered services furnished to the

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client, adjusted to cost by applying a cost-to-charge ratio, as described in subsection (c)(3) of this Section, exceed the greater of:

A) For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A), 34,000 as adjusted for the hospital's labor market, or the hospital's DRG PPS base rate as described in Section 149.100(c)(1) multiplied by two.

B) For the rate periods described in 89 Ill. Adm. Code 148.25(g)(2)(B), the Department shall utilize the Medicare established cost outlier cutoff threshold in effect 90 days prior to the date of admission. ~~the Medicare outlier threshold shall be adjusted by a factor, the numerator of which is the Medicaid geometric mean length of stay, and the denominator of which is the Medicare geometric mean length of stay.~~

3) The Department will provide cost outlier payments to a transferring hospital reimbursed under the DRG PPS that does not receive payment under subsection (b) of this Section for discharges specified in Section 149.25(b)(4)(3), if the hospital's charges for covered services furnished to the client, adjusted to cost by applying a cost-to-charge ratio, as described in subsection (c)(3), exceed:

A) For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A), the greater of the criteria specified in subsection (a)(2)(A) of this Section.

B) For the rate periods described in 89 Ill. Adm. Code 148.25(g)(2)(B), the criteria specified in subsection (a)(2)(B) of this Section.

4) The Department will not provide outlier payments for:

A) Discharges classified as psychiatric care (DRGs 424-432). Such care provided by other than hospitals or distinct part units enrolled with the Department to provide psychiatric care (category of service 21) is limited to emergency treatment, to last no longer than three days.

3) Discharges assigned to DRGs with an Illinois weighting factor of zero (0.0000).

5) The Department or its designee may review outlier cases on a prepayment or postpayment review basis. The charges for any services identified as noncovered through this review will be denied and any outlier payment having been made for those services will be recovered, as appropriate, after a determination as to the provider's liability has been made. If the Department or its designee finds a pattern of inappropriate utilization by a hospital, all outlier cases from that hospital are subject to medical review, and this review may be conducted prior to payment until the Department or its designee determines that appropriate corrective actions have been taken. The Department, or its designee, must review and approve, to the extent required by the

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Department:

- A) The admission was medically necessary and appropriate.
- B) The medical necessity and appropriateness of the admission and outlier services in the context of the entire stay.
- C) The services were ordered by the physician, actually furnished, and non duplicatively billed.
- D) The validity of the diagnostic and procedural coding.
- E) The granting of up to three administrative (grace) days during which the hospital is seeking an appropriate setting into which to discharge a non acute patient.

c) Payment for Extended Length-of-Stay Cases (Day Outliers)

- 1) If the hospital stay includes covered days of care beyond the applicable threshold criterion, the Department will make an additional payment, on a per diem basis, to the discharging hospital for those days and the transferring hospital for DRG 185, 456, or 985 only. A special request or submission is not necessary to initiate this payment.

- 2) Except as provided in subsection (d) of this Section, and subject to the limitations described in subsection (e) of this Section, the per diem payment made under subsection (b)(1) is derived in first taking ~~the~~ the marginal cost factor, as defined in 89 Ill. Adm. Code 148.25(q)(4), of the per diem payment for the applicable DRG, as calculated by dividing the DRG PPS base rate, determined under Section 149.100(c)(3), by the mean length-of-stay for that DRG.

- 3) Any days in a covered stay identified as noncovered reduce the number of days reimbursed at the day outlier rate but not to exceed the number of days that occur after the day outlier threshold.

c) Payments for Extraordinarily High Costs Cases (Cost Outliers)

- 1) If the hospital charges, as adjusted by the method specified in subsection (c)(3), exceed the applicable threshold criterion, the Department will make an additional payment to the hospital to cover those costs. A special request or submission is not necessary to initiate this payment.

- 2) The Department will reimburse the cost of the discharge on the billed charges for covered inpatient services, adjusted by a cost-to-charge ratio as described in subsection (c)(3), subject to the limitations described in subsections (c)(4) and (e) of this Section.

- 3) The cost-to-charge ratio used to adjust covered charges is computed at the beginning of each rate period, as described in 89 Ill. Adm. Code 148.25(q)(2), by the Department for each hospital based on the hospital's base fiscal year. Statewide cost-to-charge ratios are used in those instances in which a hospital's cost-to-charge ratio falls outside reasonable parameters or cannot be computed due to a lack of information (e.g., a new hospital for which the Department is not in

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possession of the required historical information).

- 4) If any of the services are determined to be noncovered, the charges for those services will be deducted from the requested amount of reimbursement but not to exceed the amount claimed above the cost outlier threshold.

- 5) For the rate periods described in 89 Ill. Adm. Code 148.25(g)(2)(B), the Department shall employ the same methodologies and rates used by Medicare, to calculate additional payments for cost outliers. ~~Except as provided in subsection (c)(6), the additional amount is 75 percent of the difference between the hospital's adjusted cost for the discharge and the established under subsection (c)(3) and the threshold criteria. Limitations described in subsection (c)(4) and (e) of this Section.~~

- 6) ~~The additional payment amount for burn cases (DRGs 456-464) is computed under the provisions of subsection (c)(5). Except that the payment is 80 percent of the difference between the hospital's adjusted cost for the discharge and the threshold criteria.~~

- 1) Payment for Extraordinary High Cost Day Outliers. If a discharge qualifies for an additional payment under the provisions of both subsections (b) and (c), the additional payment is, subject to the limitations described in subsection (e) of this Section, the greater of the following:
 - 1) The payment computed under subsection (b) above.
 - 2) The payment computed under subsection (c) above.

- e) Outlier Payment Limitation. Notwithstanding any other provisions of this Section, the total reimbursement paid by the Department, excluding payments described in 89 Ill. Adm. Code 148.120, for a claim qualifying for an outlier payment under this Section shall not exceed the total covered inpatient charges.

Source: Amended at 19 Ill. Reg. **10674**, effective

JUL-1-1995

Section 149.125 Special Treatment of Certain Facilities

a) General Rules

- i) Sole Community Hospitals. Hospitals defined as sole community hospitals shall, under subsection (b) below, shall have the choice of being reimbursed under the DRG PPS methodology, as described in Sections 149.5 through 149.150, or the Definitions Alternate Reimbursement methodology as described in Sections 148.250 through 148.300, in accordance with the provisions of 89 Ill. Adm. Code 148.40(f) through (h).
- 2) Hospitals that Serve a Disproportionate Share of Low Income Patients. The Department shall make additional payments to

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hospitals that serve a disproportionate share of low income patients. The criteria and methodologies for such additional payments are set forth in 89 Ill. Adm. Code 148.120.

- 3) ~~Uncompensated-Care-Adjustments---The-Department-shall-make-an additional-payment-to-hospitals-that-provide-equal-access-to-low income-persons---The-criteria-and-methodology-for-this-additional payment-are-set-forth-in-89-Ill-Adm-Code-148.150~~

4) Specific Inpatient Payment Adjustments. The Department shall make specific additional payments to applicable hospitals as set forth in 89 Ill. Adm. Code 148.290.

- c) Criteria for Classification as a Sole Community Hospital. "Medicaid Sole Community Provider" means a hospital that meets one of the following criteria:

1) Medicare Program Designation

A) For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A), any hospital designated as a "sole community provider" by the U.S. Department of Health and Human Services for purposes of reimbursement under the Federal Medicare Program effective September 1, 1992.

3) For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(B), any hospital designated as a "sole community provider" by the U.S. Department of Health and Human Services for purposes of reimbursement under the Federal Medicare program effective 90 days prior to the date of admission.

2) Primary Service Area Designation

A) Any rural hospital, as described in 89 Ill. Adm. Code 148.25(g)(3), that serves 55 percent or more of the Medicaid patients residing within the hospital's primary service area for the provision of inpatient hospital services.

B) "Primary service area" means the geographic area defined by J.S. Postal Service Zip Codes in which 50 percent or more of a hospital's inpatients reside.

1) The determination of sole community provider status under this subsection (b) shall be made prior to the rate period, as described in 89 Ill. Adm. Code 148.25(g)(2).

1) The data used to make this determination will be from the Illinois Health Care Cost Containment Council (IHCCC) for the most recent four quarters for which information is available.

(Source: Amended at 19 Ill. Reg. **10674**, effective **JUL 1 1995**)

Section 149.140 Methodology for Determining Primary Care Access Health Care Education Payments (Repealed)

4) Payments will be made to qualifying teaching hospitals for the purpose of encouraging medical schools and affiliated teaching hospitals to

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increase the number and to promote the education of primary health care professionals and the placement of those professionals in areas of the State that suffer a shortage of medical professionals.

2) ~~Full-time equivalent countable resident means a resident that meets both of the following criteria:~~

- 3) A resident that is as defined by the Federal Department of Health and Human Services, allowed to be reported on the Medicare Cost Report when calculating Graduate Medical Education (GME) payments, as of October 1, 1993, and as of the first day of any Medicare rate year subsequent to the rate period in effect as of April 1, 1994.

3) A resident that is, as of October 1, 1993, and as of the first day of any Medicare rate year subsequent to the rate period in effect as of April 1, 1994, in the 1993-1994 third or fourth year of their first residency training program.

2) ~~Full-time equivalent resident means for the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A) and for the rate subsequent rate period as described in 89 Ill. Adm. Code 148.25(g)(2)(B), residents as defined by the Federal Department of Health and Human Services, and allowed to be reported on the Medicare Cost Report on file with the Department, as of the beginning of the fiscal year in which the rate period begins in 89 Ill. Adm. Code 148.25(g)(2)(A) begins.~~

3) ~~Full-time equivalent qualified rotation means one full-time equivalent countable resident that works full-time or proportionate equivalent in any qualified setting.~~

4) ~~Full-time equivalent rotation means one full-time equivalent countable resident that works full-time or proportionate equivalent in any residency rotation.~~

5) ~~Major academic hospital means~~

A) ~~For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A), a hospital located in the State of Illinois with at least 350 acute care inpatient beds and at least 30 full-time equivalent residents. The source of information will be the most recent available American Hospital Association Guide.~~

3) ~~For subsequent rate periods not described in subsection (b)(5)(A) above, a hospital located in the State of Illinois with at least 350 acute care inpatient beds and at least 100 full-time equivalent residents. The source of this information will be the most current Illinois Department of Public Health published report entitled "Bed Count-Average Length of Stay-Average Daily Census-and Percent Occupancy-for Non-Federal Hospitals in Illinois," which is available to the Department sixty days preceding a~~

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- participating hospital, however, the amount of the payment adjustment shall be a per centum amount which will be the quotient of the hospital specific incentive level divided by the number of DRG-PPS inpatient days expected by the Department, to occur during the applicable rate period, as described in 89 Ill. Adm. Code 148.256(g)(2)(A). The hospital specific incentive level shall be determined as follows:
- 1) For the rate period described in 89 Ill. Adm. Code 148.256(g)(2)(A) and for the five subsequent rate periods described in 89 Ill. Adm. Code 148.256(g)(2)(B), the hospital specific incentive level shall be the product of the annual resident funding factor which for rate periods beginning on or after October 1, 1992, shall be \$7,500, and the number of countable residents which is the lesser of:
 - A) the total number of full-time equivalent residents;
 - B) sixty per centum of the number of acute care inpatient beds.
 - 2) For subsequent rate periods not described in subsection (1), the hospital specific incentive level shall be the product of the following factors:
 - A) the annual resident funding factor which shall be \$0,500;
 - B) the lesser of:
 - 1) the total number of full-time equivalent countable residents;
 - 2) sixty per centum of the number of acute care inpatient beds.
 - 3) The Department's qualified rotation goals are as follows:
 - A) three per centum of the total full-time equivalent rotation time from October 1, 1993, through the day prior to any Medicare rate year as described in subsection (b)(10) above, in effect as of April 1, 1994;
 - B) four per centum of the total full-time equivalent rotation time of the Medicare rate year beginning on or after January 1, 1995;
 - C) six per centum of the total full-time equivalent rotation time of the Medicare rate year beginning on or after January 1, 1996;
 - D) nine per centum of the total full-time equivalent rotation time of the Medicare rate year beginning on or after January 1, 1997;
 - E) twelve per centum of the total full-time equivalent rotation time of the Medicare rate year beginning on or after January 1, 1998.
 - 4) Payments for rotation goals shall begin with the Medicare rate year that begins subsequent to the conclusion of a rotation goal. Thirty days prior to the beginning of each rate period, hospitals

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- receiving payments under this Section must provide the Department with data necessary to determine total rotation time and the rotation time in qualified settings for the months within a rotation goal.
- 5) Payment Adjustment Goal: The aggregate payments under this Section shall be capped at \$17,000,000 per rate period. Reimbursement to each hospital receiving payments under this Section shall also be capped at 25 per centum of the product of countable residents multiplied by the annual resident funding factor. If aggregate payments exceed \$17,000,000, payments to each participating major academic hospital will be adjusted in proportion to not exceed the total payments under this Section for the rate period.
 - 6) Appeal Process: Hospitals receiving payments under this Section may appeal the amount of their payments in accordance with 89 Ill. Adm. Code 140.319(a)(3).
 - 7) Reporting Requirements: Participating hospitals must provide the Department with data and other information the Department deems necessary to determine eligibility for participation and to monitor and evaluate this initiative. This information may include, but not be limited to:
 - 1) the names and program year of individual residents;
 - 2) data maintained for residency review committee;
 - 3) quarterly data necessary to determine the actual percentage of countable resident time spent in qualified rotation settings;
 - 4) quarterly data necessary to determine if certain facilities meet the defined requirements of a qualified rotation setting.
- (Source: Repealed at 19 Ill. Reg. 10674, effective JUL 1 1995)

Section 149.150 Payments to Hospitals Under the DRG Prospective Payment System

- a) Total Medicaid Payment. Under the DRG PPS, the total payment for inpatient hospital services furnished to a Medicaid client by a hospital will equal the sum of the payments listed in subsections (b) through (c). In addition to the payments listed in subsections (b) through (c) of this Section, hospitals shall also receive disproportionate share adjustments in accordance with 89 Ill. Adm. Code 148.120, if applicable, uncompensated care adjustments in accordance with 89 Ill. Adm. Code 148.150, if applicable, and various specific inpatient payment adjustments in accordance with 89 Ill. Adm. Code 148.290, if applicable.
- b) Payments Determined on a Per Case Basis. A hospital will be paid on a per case basis (with the exception of kidney acquisition costs) the following amounts:
 - 1) the appropriate DRG PPS rate for each discharge as determined in accordance with Section 148.100(c).

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- 2) The appropriate outlier payment amounts determined under Section 149.105.
- 3) Capital related costs as determined under subsection (c)(1)(A) below.
- 4) Direct medical education costs as determined under subsection (c)(2)(A) below.
- 5) Indirect medical education costs as determined under subsection (c)(3) below.
- 6) Anesthesia services as hospital employed non-physician anesthetists as certified Registered Nurse Anesthetists or CRNAs as set forth in Section 612(f) of the Omnibus Budget Reconciliation Act of 1989 and in accordance with subsection (c)(4)(A).
- 7) Kidney acquisition costs in accordance with subsection (c)(5).
- 8) Primary care access health care education payments as applicable in accordance with Section 149.148.
- 9) Payments for Capital, Direct Medical Education, Indirect Medical Education, CRNA, and Kidney Acquisition Costs. For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A) these costs shall be paid on a per case basis with the exception of kidney acquisition costs. For the rate periods described in 89 Ill. Adm. Code 148.25(g)(2)(B), these costs shall be paid on a per diem basis with the exception of kidney acquisition costs. Payments for these costs shall be calculated as follows:
- A) For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A):
- The capital related costs per diem shall be calculated by taking the hospital's total capital related costs as reported on the hospital's latest audited Medicare cost report on file with the Department for the base period as defined in 89 Ill. Adm. Code 148.25(g)(1), divided by the hospital's total inpatient days, trended forward to the midpoint of the rate period using the national total hospital market basket price proxies (DRI).
 - These two trended capital related cost per diems are then added together and divided by two to calculate the hospital's adjusted capital related cost per diem.
 - The adjusted capital related cost per diem amount, as calculated in subsection (c)(1)(A)(ii) above, shall be rank ordered for all hospitals and capped at the 80th percentile.
 - Each hospital shall receive a per case add-on for capital related costs which shall be equal to the amount calculated in subsection (c)(1)(A)(ii) or subsection (c)(1)(A)(iii) above, whichever is less, multiplied by the hospital's average length of stay

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- For services reimbursed under the DRG PPS.
- B) For the rate periods described in 89 Ill. Adm. Code 148.25(g)(2)(B):
- Capital related cost per diem shall be calculated in accordance with subsections (c)(1)(A)(i) through (c)(1)(A)(iii) above.
 - Each hospital shall receive a per diem add-on for capital related costs which shall be equal to the amount calculated in subsection (c)(1)(A)(ii) or subsection (c)(1)(A)(iii) above, whichever is less.
- 2) Direct Medical Education Costs
- A) For the rate period described in 89 Ill. Adm. Code 148.25(g)(2)(A):
- The direct medical education cost per diem shall be calculated by taking the hospital's inpatient direct medical education costs as reported on the hospital's latest audited Medicare cost report on file with the Department for the base period as defined in 89 Ill. Adm. Code 148.25(g)(1), divided by the hospital's total inpatient days, trended forward to the midpoint of the rate period using the national total hospital market basket price proxies (DRI).
 - These two trended direct medical education costs per diems are then added together and divided by two to calculate the hospital's adjusted direct medical education cost per diem.
 - The adjusted direct medical education cost per diem amount, as calculated in subsection (c)(2)(A)(i) above, shall be rank ordered for all hospitals reporting such costs and capped at the 80th percentile.
 - Each hospital shall receive a per case add-on for direct medical education costs which shall be equal to the amount calculated in subsection (c)(2)(A)(i) or subsection (c)(2)(A)(ii) above, whichever is less, multiplied by the hospital's average length of stay for services reimbursed under the DRG PPS.
- B) For the rate periods described in 89 Ill. Adm. Code 148.25(g)(2)(B):
- Effective with the rate periods beginning on or after April 1, 1994, hospitals with separate inpatient and outpatient groups for the purpose of computing direct medical education cost per diems:
 - For the purpose of computing the direct medical education cost per diems, all hospitals described in subsection (c)(2)(A)(i) shall be defined as major teaching hospitals. All other hospitals reporting direct medical education costs shall be defined as

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- other teaching hospitals.
- 1111 Effective with rate periods beginning on or after April 17, 1994, the adjusted direct medical education cost per diem for all hospitals in each peer group shall be calculated by utilizing the direct medical education cost per diem for each hospital that were in effect on June 30, 1993, under the methodology described in subsections (c)(2)(A) through (c)(2)(A)(ii) of this Section.
- 1112 The adjusted direct medical education cost per diem shall be determined in subsection (c)(2)(B) through (c)(2)(B)(ii) above, shall be ranked and reported such costs within each peer group, and capped at the 80th percentile.
- 1113 Each hospital shall receive a per diem add-on for direct medical education costs which shall be equal to the amount calculated in subsection (c)(2)(B)(ii) or subsection (c)(2)(B)(iv) above, whichever is lesser.
- 1114 Determination of indirect medical education (IME) Adjustment Factor--to determine the indirect medical education (IME) Factor, the Department shall:
- A) With respect to the rate period described in 09-111-Adm-Code-148-25(g)(2)(A) through (A)(ii), use the indirect medical education factors as determined by HEPA in effect on September 1, 1992. This factor shall be multiplied by the sum of the result of the calculation described in Section 149-100(c)(1) plus any applicable outlier payments as described in Section 149-105.
- B) With respect to the rate periods described in 09-111-Adm-Code-148-25(g)(2)(B) through (B)(ii), use the indirect medical education factors determined by the HEPA in effect 90 days prior to the date of admission. This factor shall be multiplied by the sum of the result of the calculation described in Section 149-100(c)(1) plus any applicable outlier payments as described in Section 149-105.
- 1115 GRNA Costs
- A) Only hospitals that qualify for these payments under the Medicare program effective at the beginning of each rate period as described in 09-111-Adm-Code-148-25(g)(2)(B) shall be eligible for these payments.
- B) The GRNA cost per case amount shall be calculated by taking the hospitals total GRNA costs as reported on the hospitals latest audited Medicare cost report on file with the Department for the base period as defined in 09-111-Adm-Code-148-25(g)(1) divided by the hospitals total inpatient days trended forward to the midpoint of the rate period using the national total hospital market basket price proxies (BBS).

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- 1116 Each qualifying hospital as described in subsection (c)(2)(A) above shall:
- 1) For the rate period described in 09-111-Adm-Code-148-25(g)(2)(A) through (A)(ii), receive a per case add-on for GRNA costs which shall be equal to the amount calculated under subsection (c)(2)(B) above, multiplied by the hospital's average length of stay for services reimbursed under the GRG PPS.
- 1117 For the rate periods described in 09-111-Adm-Code-148-25(g)(2)(B) through (B)(ii), receive a per diem add-on for GRNA costs which shall be equal to the amount calculated under subsection (c)(2)(B) above.
- 1118 Kidney Acquisition Costs--Kidney Acquisition Costs shall be reimbursed on a retrospective basis. The reimbursement shall be calculated by multiplying the hospital's total charges for the kidney acquisition by the hospital's cost-to-charge ratio as described in Section 149-105(c)(3).
- 1119 A hospital wishing to appeal the calculation of its rates must notify the Department within 30 days after receipt of the rate change notification.
- 1120 Method of Payment
- 1) General Rule. Unless the provisions of subsection (d)(2) apply, hospitals are paid for each discharge based on the submission of a discharge bill. Payments for inpatient hospital services furnished by an excluded distinct part psychiatric or a rehabilitation unit of a hospital are made in accordance with 89 Ill. Adm. Code 148.270(b).
- 2) Special Interim Payment for Unusually Long Lengths of Stay
- A) First Interim Payment. A hospital may request an interim payment after a Medicaid client has been in the hospital at least 60 days. Payment for the interim bill is determined as if the bill were a final discharge bill and includes any outlier payment determined as of the last day for which services have been billed.
- 50 Additional Interim Payments. A hospital may request additional interim payments at intervals of at least 60 days after the date of the first interim bill submitted under subsection (d)(2)(A). Payment for these additional interim bills, as well as the final bill, is determined as if the bill were the final bill with appropriate adjustments made to the payment amount to reflect any previous interim payment made under the provisions of subsection (d)(2).
- 3) Outlier Payments. Except as provided in subsection (d)(2), payment for outlier cases (described in Section 149.105) are not made on an interim basis. The outlier payments are made based on submitted bills and represent final payment.
- e) Reductions to Total Payments
- 1) Copayments. Copayments are assessed under all medical programs

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administered by the Department and shall be assessed in accordance with 89 Ill. Adm. Code 148.190.

- c) Third Party Payments. Hospitals shall determine that services rendered are not covered, in whole or in part, under any other state or federal medical care program or under any other private group indemnification or insurance program, health maintenance organization, preferred provider organization, workers compensation or the tort liability of any third party. To the extent that such coverage is available, the definitions payment obligation shall be reduced.

- e) Effect of Change of Ownership on Payments Under the DRG Prospective Payment System. When a hospital's ownership changes, the following rule applies: Payment for the cost of inpatient hospital services for each patient, including outlier payments, as provided under subsection b) above, will be made to the entity that is the legal owner on the date of discharge. Payments will not be prorated between the buyer and seller.

- i) The owner on the date of discharge is entitled to submit a bill for all inpatient hospital services furnished to a Medicaid client regardless of when the client's coverage began or ended during a stay, or of how long the stay lasted.

- j) Each bill submitted must include all information necessary for the Department to compute the payment amount, whether or not some of the information is attributable to a period during which a different party legally owned the hospital.

(Source: Amended at 19 Ill. Reg. **10 674**, effective **JUL 1 1995**)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Numbers: Adopted Action:
117.80 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, Ch. 23, par. 12-13) [305 ILCS 5/12-13].
- 5) Effective Date of Rulemaking: July 7, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 7, 1995
- 9) Notice of Proposal Published in Illinois Register: March 17, 1995
Ill. Reg. 3295)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: No changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Department plans to propose rulemaking in 1995 to allow clients to receive cash benefits electronically. Individuals in cash assistance programs including Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind or Disabled (AABD), Refugee Repatriate Assistance (RRA), General Assistance (GA) and individuals receiving Child Support Enforcement Pass-through payments will be enrolled in the EBT project.

EBT systems use commercial electronic credit and debit procedures to deliver human service benefits to recipients through the use of a magnetic stripe card similar to an automatic teller machine (ATM) card or a smart card with a computer chip integrated into the card. The EBT system being developed by the Department will provide clients with a plastic card similar to a bank card used at automatic teller machines (ATMs). After

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clients select a confidential, four-digit code they will be able to access their benefits through point-of-sale (POS) terminals or ATMs.

The advantages of EBT are the elimination of paper processing, vouchers and paper coupons, and the need for check-cashing services. Clients will use their cards to draw against their cash assistance accounts. The process will work like standard ATM withdrawals, only the money will come from a public aid account instead of a bank account. Clients purchasing food will use their cards in grocery stores and their food stamp accounts will decrease by the value of their food purchases. Clients can gain money management experience by withdrawing benefits as needed and clients will no longer have to pay check-cashing fees each month.

It is anticipated that the EBT system will improve the delivery and management of benefits. In addition, the EBT system is intended to reduce costs associated with vouchers, paper coupons, checks, check-cashing services and paper processing.

In preparation for the implementation of the EBT system, these amendments allow warrants issued to protective payees to be deposited directly into a bank, savings and loan or credit upon account. Under this rulemaking, individuals who are receiving payments as protective payees for recipients will be able to have the warrants deposited electronically. This change will enhance the security of these funds.

5) Information and questions regarding this adopted amendment shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217)524-3215

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117
RELATED PROGRAM PROVISIONS

Section	
117.1	Incorporation By Reference
117.10	Payee For Financial Assistance
117.15	Reinstatement Upon Agreement to Cooperate
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 58, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 29, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective

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February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective JUL 1 1995.

Section 117.80 Direct Deposit of Recipients' Warrants

- a) Warrants of AABD, AFDC and GA recipients shall be deposited directly into their banks, savings and loan associations or credit unions when requested by such recipients.
- b) Warrants issued to Protective Payees of AABD, AFDC and GA clients are required to be deposited directly into a bank, savings and loan association or credit union account.

Source: Amended at 19 Ill. Reg. 10702, effective JUL 1 1995

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Application
- 2) Code Citation: 89 Ill. Adm. Code 557
- 3) Section Numbers: Adopted Action:
557.20 New
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b) and (k) of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3(a), (b) and (k)).
- 5) Effective Date of Rulemaking: July 11, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 11, 1995
- 9) Notice of Proposal Published in Illinois Register: January 27, 1995, 19 Ill. Reg. 839
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: In Section 557.20(b) clarification was made of the designation of appropriate bureau(s). Other technical changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking adds back a section which was previously repealed. The section states a consumer will be served by the office serving the geographic area in which the consumer lives, with certain exceptions.
After having repealed the section previously, it was determined such provisions were necessary for adequate caseload management by filed staff.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Ms. Susan Warrner, Manager

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

Address: Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429

Telephone: (217)785-3896
 TTY: (217)785-9301

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER 0: VOCATIONAL REHABILITATION

PART 557
 APPLICATION

Section

557.10 General Applicability
 557.20 Geographical ~~Efficient~~ Customer Assignment ~~(Repeated)~~
 557.30 Application Required
 557.40 Who May Sign
 557.50 Assistance in Attaining Necessary Financial Support
 557.60 Application for Services by DORS Employees, Individuals Holding Contracts with DORS, DORS Advisory Council Members, Family Members of DORS Employees or Close Friends of DORS Employees

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 2434(a), (b), and (k)) [20 ILCS 2405/3(a),(b) and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8755, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 11 Ill. Reg. 13227, effective August 31, 1987; amended at 12 Ill. Reg. 12099, effective 11-1-87, 1988; amended at 13 Ill. Reg. 16552, effective October 10, 1989; emergency amendments at 17 Ill. Reg. 11654, effective July 1, 1993, for a maximum of 180 days; amended at 17 Ill. Reg. 20341, effective November 15, 1993; amended at 19 Ill. Reg. 1135, effective January 23, 1995; amended at 19 Ill. Reg. 2473, effective February 21, 1995; amended at 19 Ill. Reg. **10706**, effective

JUL 11 1995

Section 557.20 Geographical ~~Efficient~~ Customer Assignment ~~(Repeated)~~

A customer will be served by the office assigned to the geographic area of the customer's residence. Exceptions to such assignment will only be made when:

- a) the customer has temporarily relocated to participate in an IWRP 19 Ill. Adm. Code 572) and DORS has a counselor specifically assigned to the program in which the customer will be participating; or
- b) with written approval of the Regional Administrator or Deputy Director of the Bureau of Blind Services or the Bureau of Rehabilitation Services, as appropriate.

(Source: Section repealed at 17 Ill. Reg. 20341, effective November 15, 1993, new Section adopted at 19 Ill. Reg. **10706**, effective

JUL 11 1995

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1) Heading of the Part: Services2) Code Citation: 89 Ill. Adm. Code 5903) Section Numbers: Adopted Action:

590.400

Amendment

590.410

Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3), and authorized by Section 16 of the Civil Administrative Code of Illinois (20 ILCS 5/16).5) Effective Date of Rulemaking: June 29, 19956) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No8) Date Filed in Agency's Principal Office: June 29, 19959) Notice of Proposal Published in Illinois Register: September 30, 1994, 18 Ill. Reg. 1462710) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version: Only technical changes made by JCAR.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this rulemaking replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? YesSection Numbers Adopted Action

Illinois Register Citation

590.250

Amendment

19 Ill. Reg. 28

15) Summary and Purpose of Rulemaking: These changes are being made to clarify and put stipulations on DORS' rules regarding vehicle adaptation. New subsection 590.400(b) exempts vehicle adaptation services from the provisions of comparable benefits (89 Ill. Adm. Code 567) pursuant to federal regulations. New subsection 590.410(a) adds that DORS will not participate in the purchase of any adaptive equipment which was installed on a vehicle prior to purchase of the vehicle by the client. Further changes in 590.410 clarify DORS' policy in adapting used vehicles and adds

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requirements that the client is expected to insure and properly maintain any vehicle in which DORS' participates in adapting. Further, prior to purchase of any vehicle which the client will seek adaptation with DORS' assistance, the client must consult with DORS staff to ensure the adaptability of the vehicle.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896 or TTY: (217) 785-9301

The full text of the Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

SUBCHAPTER B: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: APPLICABILITY

Section

590.10 General Applicability
590.20 Availability of Services
590.30 Effect of Financial Status on Services
590.35 Effect of Comparable Benefits
590.40 Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section

590.50 Provision of Services
590.60 Qualification of Medical and Psychological Service Providers
590.70 Treatment of Acute Conditions
590.80 Medication and Treatment
590.90 Hearing Aids
590.100 Binaural Hearing Aids
590.110 Speech and Language Services
590.120 Low Vision Aids
590.130 Mental Restoration Services
590.140 Heart Surgeries
590.150 Kidney Transplant and Related Services
590.160 Chiropractic Services
590.170 Prosthetic and Orthotic Device
590.180 Wheelchairs
590.190 Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section

590.200 Provision of Services
590.210 Qualification of Training Facilities/Institutions
590.220 Purpose and Types of Training
590.230 Financial Guidelines for Training Services
590.240 Graduate School Training
590.250 Choice of Training Facility/Institution
590.260 Summer School
590.270 Grades
590.280 Health Status
590.290 On-the-Job Training

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Default on Educational Loans

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section

590.310 Provision of Services
590.320 Self-Employment Program
590.330 Services/Goods not Available
590.340 Bidding Requirements
590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
590.360 Transfer of Title
590.370 Limitation of Financial Participation

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section

590.375 Provision of Services
590.380 Vendor Requirements
590.390 Bidding Requirements
590.400 Vehicle Adaptation
590.410 DORS Financial Participation in Van Adaptation
590.420 Environmental Modification
590.430 Written Agreements for Environmental Modification
590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section

590.450 Provision of Services
590.460 Types of Services
590.470 Services
590.480 Qualifications for Services Provided by Individuals
590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section

590.500 Provision of Services
590.510 Definitions
590.520 Purpose of Equipment Loans
590.530 Criteria for Loan of Equipment/Aids
590.540 Equipment/Aids Loan Request Procedures and Approval Process
590.550 Duration of Loans
590.560 Maintenance and Return of Equipment/Aids
590.570 Assistance in Obtaining Permanent Equipment/Aids
590.580 Limitations on Available Equipment/Aids

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SUBPART H: OTHER SERVICES

Section

590.590 Provision of Services
 590.600 Transportation and Temporary Lodging
 590.610 Other Goods and Services
 590.620 Equipment Sets

SUBPART I: PLACEMENT

Section

590.630 Provision of Placement Services
 590.640 Description of Services

SUBPART J: MAINTENANCE

Section

590.650 Provision of Services
 590.660 Definitions
 590.670 Determination of the Need for Maintenance
 590.675 Determination of Client Financial Participation in Maintenance
 590.680 Exceptions to Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

Section

590.700 Provision of Services
 590.710 Definitions
 590.720 Scope of Services

SUBPART L: TRANSITION

Section

590.730 Provision of Services
 590.740 Definitions
 590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434) [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16]

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. **10709**, effective

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SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

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Section 590.400 Vehicle Adaptation

a) DORS shall participate in the purchase of the necessary vehicle adaptive equipment, and its installation, in accordance with Subpart A of this part, with the exception listed in 590.140(c), necessary to meet the minimum requirements for the individual client to safely operate his/her vehicle.

c) As a rehabilitation technology service, vehicle adaptation is exempt from the provisions regarding comparable benefits (89 Ill. Adm. Code 567), but not from the provisions of client financial participation in the cost of the service(s) (89 Ill. Adm. Code 562).

Source: Amended at 19 Ill. Reg. **10709**, effective **JUN 29 1995**

Section 590.410 DORS Financial Participation in Van Adaptation

a) DORS shall not participate in the purchase of any vehicle nor the purchase of the adaptive equipment which has been installed in a vehicle prior to the purchase of the vehicle by the client.

a)b) A one time unusual allowable expense, to reduce client financial participation, is available (see 89 Ill. Adm. Code 562) for the purchase of a full-size (e.g., 1/2, 3/4 or 1 ton) van for transportation if the van is incidental to the client's employment goal and if:

1) due to the nature of the client's disability, he/she is unable to use an automobile, whether modified or not, or make use of public transportation;

2) DORS agrees, as evidenced by the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100), that the purchase of the adaptive equipment is essential for the client's use of the vehicle;

3) the van is purchased by, and title is held in the name of, the client, the client's spouse, or the client's parent;

4) the van is purchased in the same calendar year as the adaptive equipment.

b)c) When it is determined the client is eligible for the unusual allowable expense, it shall be calculated as follows:

1) \$7,000.00 shall be deducted from the price the client paid for the van; and

2) the client may claim the remainder of the purchase price, up to \$6,000.00, as the one time unusual allowable expense to determine his/her financial eligibility for DORS assistance (see 89 Ill. Adm. Code 562).

c)d) DORS shall not pay-for participate in any cost associated with the removal, replacement, repainting, relocation or restoration of such items as cabinets, beds, appliances, etc. associated with the cost of adapting an individual client's van. Neither shall DORS pay for any

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costs associated with the adaptation of a vehicle that are required due to the inappropriateness of the vehicle to meet the client's needs.

4) DORS financial participation for the conversion of a mini-van (less than a full-sized van (89 Ill. Adm. Code 590.380 (b)) shall not exceed that which is reasonable and customary to adapt a full-sized van. Such a determination shall be based on DORS records regarding previous van conversions and information received from the vendor and/or evaluator.

5) When a used vehicle is to be adapted, the vehicle must have an expected useful life of at least 5 years when considering the condition and mileage of the vehicle prior to adaptation. Condition of the van shall be verified by at least one reputable mechanic/adaptor. Any repairs determined necessary as a result of the evaluation(s) by the mechanic/adaptor shall be made, at the expense of the client, prior to the time DORS will participate in the cost of adaptation.

6) Any vehicle, new or used, to be adapted by DORS must be equipped with all necessary factory-installed options so that the vehicle may be modified, using non-standard equipment, at the least possible cost.

7) The client is expected to insure and properly maintain any vehicle in which DORS has participated in the adaptation. Manufacturers' specifications are to be followed in terms of proper care and maintenance.

8) All clients considering vehicle adaptation should consult with DORS staff prior to the purchase of any vehicle to ensure the vehicle's adaptability prior to purchase of the vehicle and to ensure DORS will, if the client is eligible and vehicle adaptation is an appropriate service for the client, participate in the adaptation of the specific vehicle, pursuant to the provisions of this Subpart.

(Source: Amended at 19 Ill. Reg. 10709, effective JUN 29 1995)

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1) Heading of the Part: School Bus Driver Permit

2) Code Citation: 92 Ill. Adm. Code 1035

3) Section Numbers: Adopted Action:

1035.10	New Section
1035.15	New Section
1035.20	New Section
1035.25	New Section
1035.30	New Section
1035.35	New Section
1035.40	New Section
1035.45	New Section
1035.50	New Section

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (625 ILCS 5/2-104(b)) and Section 6-104(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-104(a)).

5) Effective Date of Rulemaking: July 10, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 10, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 5992 (April 21, 1995).

510) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

a) Suggested changes and corrections from the Administrative Code Division and Joint Committee on Administrative Rules are as follows:

1. In line 11 - "or" was added to match text.
2. In line 28 - the Illinois Driver Licensing Law reference as Sec. 1-110 was omitted, as it is not part of that law.
3. In lines 28-29, 39-40, 44 and all other ILCS citations were placed in brackets rather than parentheses.
4. In line 53 - changed "," to "and".

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5. In line 69 - omitted "or not".
6. In line 76 - changed ", " to ";". Also in lines 77 and 80.
7. In line 77 - omitted comma.
8. In lines 88-89 - made text and cite consistent. Also in line 93.
9. In line 103 - inserted "of the" and moved cite.
10. In lines 105-125 - text rearranged.
11. In line 11 - added ";".
12. In line 122 - corrected ILCS.
13. In line 135 - changed "drivers" to "driver's".
14. In line 151 - added "a" before "school zone".
15. In lines 173-266 - language re-formatted.
16. In line 182 - added ", " and also in line 183.
17. In line 212 - omitted ", ".
18. In line 220 - changed "." to ";".
19. In line 237 - corrected subsection cite.
20. In lines 238-243 - corrected ILCS and cites.
21. In line 243 - corrected ILCS. Also on line 250.
22. In lines 253, 260 and 262, replaced the periods with semicolons.
23. In lines 260-261 - corrected IAC cite.
24. In line 277 - changed "; " to "(".
25. In line 311 - omitted ", " and also in line 387.
26. In line 385 - omitted "and".
27. In line 386 - changed "." to "; and".
28. In line 427 - changed "driving" to "driver".

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29. In lines 475-458 - restructured to flow through.
 30. In line 468 - moved cite.
 31. In line 476 - changed "from" to "after".
 32. In line 507 - deleted the comma.
 33. In line 510 - changed "his/her" to "their".
 34. In line 517 - moved ILCS.
 35. In lines 516 and 517 - added (a) before (3).
 36. In line 520 - changed "following" to "follow".
 37. In line 521 - changed from "thirty (30)" to "ninety (90) days".
 38. In line 524 - changed "was" to "as".
 39. In line 528 - changed 101 to 106.
 40. In line 530 - omitted redundancy.
 41. In line 537 - added comma.
 42. In line 563 - omitted comma and changed "; " to ".".
 43. In line 576 - changed "they have" to "he/she has".
 44. In lines 587-593 - corrected subsectioning.
 45. In lines 595-621 - corrected subsectioning and made end punctuation consistent.
 46. In lines 603 and 611 - deleted "to".
 47. In line 612 - added "of" before "the employment".
 48. In line 621 - changed "would" to "shall".
- (2) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- (3) Will this rulemaking replace an emergency rule currently in effect? No
- (4) Are there any amendments pending on this Part? No

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(5) Summary and Purpose of Rulemaking: This proposed rulemaking is being proposed to implement Public Act 88-612, and establishes rules and regulations for the issuance of a restricted commercial driver's license for school bus operation only, and amends the Section which provides for third party certification.

(6) Information and questions regarding these adopted amendments shall be directed to:

Mark A. Novak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
(217) 782-5356

The full text of the Adopted Amendment begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE
PART 1035
SCHOOL BUS DRIVER PERMIT

Section	Definitions
1035.10	Requirements of Applicants for a School Bus Driver Permit
1035.15	Annual Medical Examination and Certificate
1035.20	Permit Application Process
1035.25	Training
1035.30	Denial, Cancellation, or Suspension of a School Bus Driver Permit
1035.35	Notice
1035.40	Employer Responsibility
1035.45	Hearings
1035.50	

AUTHORITY: Implementing and authorized by Public Act 88-612, effective July 1, 1995.

SOURCE: Adopted at 19 Ill. Reg. 10709, effective

JUL 10 1995

Section 1035.10 Definitions

For purposes of this Part, the following definitions shall apply:

"Cancellation" - Cancellation of school bus driver permit - the annulment or termination by formal action of the Secretary of State of a person's school bus driver permit because of some error or defect in the permit, because the permit holder is no longer entitled to such permit, refusal or neglect of the person to submit an alcohol and drug evaluation or submit to or failure to successfully complete the examination, in accordance with Sections 1-110, 6-106.1 and 6-207 of the Illinois Vehicle Code [625 ILCS 5/1-110, 6-106.1 and 6-207].

"Conviction" - an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgement dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated [625 ILCS 5/6-500(8)].

"Denial" - to prohibit or disallow the privilege to obtain a school

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bus driver permit and/or the privilege to operate a school bus in accordance with Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1].

"Disqualification" - a withdrawal of the privilege to drive a commercial motor vehicle [625 ILCS 5/6-106.1].

"Employer" - any public or private school district, individual, corporation, partnership or association who employs school bus drivers licensed pursuant to Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1].

"Employer Certification" - a form as prescribed by the Secretary of State submitted by the employer which certifies that an applicant has met all pre-employment conditions and all conditions for reapplication, or that a driver who is no longer eligible for a school bus driver permit has been removed from service.

"Fingerprint Process" - a method by which a person's fingerprints are taken for the purpose of certification of a criminal background investigation for a school bus driver permit and submitted to the Illinois Department of State Police and the Federal Bureau of Investigation (FBI).

"Home State" - the States of Indiana, Michigan, Wisconsin, Iowa, Missouri and Kentucky, which have issued a valid and properly classified driver's license.

"Lapse" - a period of time following the expiration of a driver's license or school bus driver permit in which the driver can renew or reapply without penalty.

"Medical Examiner's Certificate Form" - a form upon which a licensed medical examiner records results of a physical examination and certifies whether a person is qualified to apply for a school bus driver permit.

"Miscellaneous Suspension" - a safety and financial responsibility, unsatisfied judgment, auto emissions, penalty for parking violation, failure to appear, and all suspensions which are rescinded and are no longer in effect.

"Pre-Employment Conditions" - an applicant must be interviewed by the prospective employer; complete a school bus driver permit application and prescribed medical report form; successfully pass a physical examination; successfully complete a fingerprint based Illinois specific background check with fingerprints forwarded to the FBI for a national background check; and receive the required specialized

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training.

"Provisional Status" - the temporary privilege to operate a school bus pending the completion of the Federal Bureau of Investigation (FBI) criminal background check.

"Repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic" - for which an order has been entered to suspend or revoke the license or permit under the discretionary authority of Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)].

"Repeatedly involved as a driver in motor vehicle collisions" - for which an order has been entered to suspend or revoke the license or permit under the discretionary authority of Section 6-206(a)(4) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4)].

"Rescind Order" - a removal by formal action of an order canceling, suspending or denying issuance of a school bus permit to a person.

"Review of Driving Habits" - a review of the applicant's driving record maintained by the Office of the Secretary of State or documentation from another licensing jurisdiction, which has been certified within 30 days prior to the date of application, to insure that the requirements pursuant to Section 6-106(1), (2), (3), (9), (10), (11), (12) and (13) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-106(1), (2), (3), (9), (10), (11), (12) and (13)] have been met.

"School Bus" - every motor vehicle, except as provided in this definition, owned or operated by or for a school operated by a religious institution or a public or private child care facility, pre-school, primary or secondary school for the transportation of persons regularly enrolled in any such entity as students in Grade 12 or below in connection with any activity or entity. This definition does not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is on a regularly scheduled route for the transportation of other fare paying passengers or furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events or for shuttle service between attendance centers or other educational facilities and not over a regular or customary school bus route.

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A religious organization bus as defined in Section 1-182 of the Illinois Vehicle Code (625 ILCS 5/1-182).

A motor vehicle designed for carrying not more than nine passengers which is not registered as a school bus under Section 3-808 of the Illinois Vehicle Code (625 ILCS 5/3-808).

"School Bus Driver Permit" - permit issued for a period of one (1) year to school bus drivers by the Office of the Secretary of State pursuant to Section 6-106.1 of the Illinois Vehicle Code (625 ILCS 5/6-106.1).

"School Bus Driver Permit Application" - the form or document prescribed by the Secretary of State upon which a request for a school bus driver permit is made.

"Serious Traffic Violation" - notwithstanding convictions, which in and of themselves result in the immediate suspension or revocation of a driver's license and privilege, the following offenses or a similar violation of a law or local ordinance of any state relating to motor vehicle traffic control shall be considered a serious traffic violation: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation of any State Law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or a violation of Section 6-104(d) of the Illinois Vehicle Code (625 ILCS 5/6-104(d)) relating to the possession of a valid school bus driver permit; or a violation of the speed limit in a school zone as defined in Section 11-605 of the Illinois Vehicle Code (625 ILCS 5/11-605); or a violation of passing a stopped school bus as defined in Section 11-1414 of the Illinois Vehicle Code (625 ILCS 5/11-1414); or failure to stop at railroad crossing as defined in Section 11-1202 of the Illinois Vehicle Code (625 ILCS 5/11-1202); or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines pursuant to 92 Ill. Adm. Code 1040.20.

"State" - a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada (625 ILCS 5/1-195).

"Suspension of Driver License" - the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically

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designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code (625 ILCS 5/1-204).

"Suspension of School Bus Driver Permit" - the temporary withdrawal by formal action by the Secretary of a person's permit which grants and specifies limited privileges to operate a school bus on the public highways, for a period specifically designated by the Secretary.

"Waiver" - an exemption allowed under certain conditions rendering an ineligible applicant eligible.

Section 1035.15 Requirements of Applicants for a School Bus Driver Permit

In order for the Secretary of State to issue a school bus driver permit, all applicants must:

- a) Be 21 years of age or older;
- b) Possess a valid and properly classified driver's license issued by the Secretary of State or a valid license issued to him in his home state;
- c) Possess a valid driver's license, for 3 years immediately prior to the date of application, which has not been revoked, suspended, canceled or disqualified, as defined in 625 ILCS 5/6-500, during this period for any action except those defined as miscellaneous suspension by rule. A lapse in the renewal of the driver's license of thirty (30) days or less shall not render the applicant ineligible. The Secretary of State may in his discretion grant a waiver for a lapse in the renewal of the driver's license in excess of thirty (30) days;
- d) Pass a written test on school bus operation, school bus safety, and special traffic laws relating to school buses and submit to a review of the applicant's driving habits by the Secretary of State at the time the written test is given;
- e) Demonstrate the ability to exercise reasonable care in the operation of the school buses in accordance with the requirements of 92 Ill. Adm. Code 1030.85;
- f) Be physically able to safely operate a school bus. An applicant for a school bus driver permit must demonstrate physical fitness to operate school buses by undergoing a medical examination in accordance with the provisions of Section 1035.20 of this Part;
- g) Affirm under penalty of perjury that he/she has not made a false statement or knowingly concealed a material fact in any application for a permit;
- h) Have completed an initial classroom course, including first aid procedures, in school bus driver safety in a program approved by the Secretary of State. After satisfactory completion of said initial course, an annual refresher course will be required. Such courses and the agency or organization conducting such courses shall be approved by the Secretary of State. Failure to complete the annual refresher course shall result in cancellation of the permit until such course is completed, in accordance with provisions of Section 1035.30 of this

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Part:

- 1) At the time of application, not have been convicted of two (2) or more serious traffic offenses within the previous twelve (12) month period, nor be convicted of two (2) or more serious traffic offenses during any twelve (12) month period while holding a school bus driver permit that may endanger the life and safety of any of the driver's passengers;
- 2) Not have been convicted of reckless driving, pursuant to Section 11-503 of the Illinois Vehicle Code [625 ILCS 5/11-503], driving under the influence of alcohol and/or other drugs, pursuant to Section 11-501 of the Illinois Vehicle Code [625 ILCS 5/11-501], reckless homicide, pursuant to Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3] resulting from the operation of a motor vehicle within 3 years of the date of the application;
- k) Not have been convicted of committing or attempting to commit any one or more of the following offenses:
 - 1) those offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-15, 12-16, 18-1, 18-2, 18-3, 18-4, 20-1, 20-1.1, 24-1, 24-1.1, 24-1.2, 31A-1, 31A-1.1 and 33A-2, and in Section 12-4(a) and (b)(1) of the Criminal Code of 1961 [720 ILCS 5/12-4(a) and (b)(1)];
 - 2) those offenses defined in the Cannabis Control Act except those offense defined in Section 4(a) and (b) and Section 5(a) of the Cannabis Control Act [720 ILCS 550/4(a) and (b) and 5(a)];
 - 3) those offenses defined in the Illinois Controlled Substances Act [720 ILCS 570];
 - 4) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State could be punishable as one or more of the foregoing offenses;
 - 5) the offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act [720 ILCS 150/4.1 and 5.1]; and
 - 6) those offenses defined in Section 6-16 of the Liquor Control Act of 1934 [234 ILCS 5/6-16];
- l) Not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree which indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway in accordance with 92 Ill. Adm. Code 1040.40;
- m) Not have, through the unlawful operation of a motor vehicle, caused an accident resulting in the death of any person;
- n) Not have, within the last 5 years, been adjudged to be afflicted with or suffering from any mental disability or disease.

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Section 1035.20 Annual Medical Examination and Certificate

- a) All applicants for a school bus driver permit must demonstrate physical fitness to operate school buses by undergoing a medical examination, including tests for drug and alcohol use, conducted by a licensed physician within ninety (90) days prior to the date of application for such permit.
- b) An applicant who within 90 days prior to the date of application has undergone a medical examination complying with Subpart E of 49 CFR 391 (1989)(no later amendments are incorporated herein) and/or drug tests complying with 49 CFR 40 (54 Fed. Reg. 49854, effective January 2, 1990) (no later amendments are incorporated herein) shall be exempt from the corresponding requirements of this Section, provided that the applicant submits to the Secretary of State a copy of the federal "medical examiner's certificate" (49 CFR 391.41(d)) and/or a copy of the "drug testing custody and control form" (49 CFR 40.23(a)) signed by the responsible physician.
- c) Except as provided in subsection (b) of this Section, the medical examination for all applicants shall be performed in accordance with the provisions of this Section and 49 CFR 391.43(d). A form conforming to these requirements, as well as the medical examiner's certificate described in subsection (i) of this Section, can be obtained from the Secretary of State for the use of the examining physician.
- d) Each applicant to be tested for drugs shall consent in writing to provide a urine specimen for this purpose as part of the applicant's annual medical examination and shall authorize the release of the results of such tests to the examining physician. Those persons responsible for collection of the specimen shall ensure that the specimen is not substituted, adulterated, or diluted by the applicant during the collection procedure. The specimen container shall be labeled to identify its source and shall be delivered to the testing laboratory by U.S. mail, personal delivery by the physician's staff, a professional messenger service, or by other means which preclude tampering with the specimen. Those persons responsible for collecting, processing, and testing the specimen shall maintain and be able to document a chain of custody for the specimen which ensures its integrity.
- e) The specimen shall be tested for marijuana, cocaine, opiates, amphetamines and phenylcyclidine using the tests and standards for positive test results specified in 49 CFR 40.29(e) and (f). Testing shall be conducted by a laboratory certified by either the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 510 or the U.S. Department of Transportation pursuant to 49 CFR 40.
- f) The laboratory shall report the test results only to the examining physician. The physician shall review confirmed positive test results in order to determine whether there is a legitimate medical explanation of legal drug use for each positive test result. The

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physician may, at his/her discretion, consult with any other physician whose expertise in the area of substance abuse may, in the examining physician's judgment, be helpful in reviewing test results. The physician shall record his/her findings on the applicant's health certificate form. If the physician determines that there is no legitimate medical explanation for a positive test result for one or more of the tested drugs, the applicant shall be ineligible to receive a school bus driver permit.

3) Each applicant, as part of the annual medical examination, shall also be tested to assist the physician in determining whether the applicant has a current clinical diagnosis of alcoholism. The physician shall record on the examination form those tests which were administered, as well as the physician's findings as to whether the applicant has a current clinical diagnosis of alcoholism. An applicant with a current clinical diagnosis of alcoholism shall be ineligible for a school bus driver permit.

4) An applicant shall be considered physically qualified to operate a school bus only if he or she:

1) has no loss or impairment of a hand, finger, arm, foot, or leg which would interfere with the safe operation of a school bus or has had such loss(es) or impairment(s) compensated for in a manner satisfactory to the examining physician;

2) has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control which is likely to interfere with the ability to control and drive a school bus safely;

3) has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure;

4) has no established history or clinical diagnosis of a respiratory dysfunction likely to interfere with the ability to control and drive a school bus safely;

5) has no current clinical diagnosis of high blood pressure likely to interfere with the ability to control and drive a school bus safely;

6) has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease likely to interfere with the ability to control and drive a school bus safely;

7) has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control and drive a school bus safely;

8) has no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with the ability to control and drive a school bus safely;

9) has distant visual acuity of at least 20/40 (Snellen) in each eye

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without corrective lenses, or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, amber and green (i.e., no monocular individual may be considered qualified);

10) first perceives a forced whispered voice in the better ear at not less than 5 feet with or without a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500Hz, 1,000Hz and 2,000Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard Z24.5-1951; 11) does not use amphetamines, cocaine, marijuana, opiates, phenacycline, or any other mind altering drug or substance, or any prescribed drug that may interfere with the ability to operate a school bus safely;

12) has no current clinical diagnosis of alcoholism; and

13) has a negative reading/test result on a tuberculosis test or has a positive result on a tuberculosis skin test and either:

A) is receiving prophylactic treatment, or

B) has inactive tuberculosis as diagnosed by X-ray.

14) The examining physician's conclusion as to whether the person he/she examined is qualified to drive a school bus shall be recorded on a medical examiner's certificate with the following form:

MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined (driver's name (print)) in accordance with the provisions of Title 92, Illinois Administrative Code, Chapter II, Section 1035.20 (Pupil Transportation) and based upon the results of this examination, including the results of tests for alcohol and drug use required in Section 1035.20 of this Part, I find that he/she is:

_____ Qualified under the regulations

_____ Qualified only when wearing corrective lenses

_____ Qualified only when wearing a hearing aid

_____ Not qualified under the regulations

_____ Not qualified due to positive drug test

A completed examination form for this person is on file in my office at _____

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address)

Date of Examination	Federal Expiration Date
Name of Examining Doctor	Fed. No. of Examining Doctor
Signature of Examining Doctor	
Registration No. of Examining Doctor	
Signature of Driver	
Address of Driver	

One copy of the completed certificate is to be forwarded by the examining physician to the employing agency or organization of the applicant; one copy is to be retained by the applicant; and one copy is to be retained by the examining physician.

Section 1035.25 Permit Application Process

- a) Each applicant for a school bus driver permit must first successfully complete a pre-employment interview with the prospective employer to determine the acceptability of the applicant in terms of the requirements of this Part and those outlined in Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1].
- b) The applicant desiring employment as a school bus driver must then obtain from the prospective employer and complete the following:
 - 1) Application for Illinois School Bus Driver Permit;
 - 2) Medical Examiner's Certificate form in accordance with Section 1035.20 of this Part;
 - 3) Fingerprint process.
- c) The employer shall certify in writing to the Secretary of State on a form prepared or approved by the Secretary of State that all the required pre-employment conditions have been successfully completed.
- d) The applicant shall then submit the employer certification, the school bus driver permit application, and a fee of \$4.00 to the Secretary of State.
- e) The Secretary of State shall review the applicant's driving history to determine if it is acceptable under the provisions of this Part and Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1]. The applicant:

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- 1) must pass a written examination administered by the Secretary of State's Office in accordance with 92 Ill. Adm. Code 1030.80.
- 2) must successfully complete a road test administered by the Secretary of State's Office or a licensed third-party tester in the class of vehicle to be used in accordance with 92 Ill. Adm. Code 1030.85.

These tests must be successfully completed in three attempts and within 90 days from the date of certification by the employer.

- 5) Upon successful completion of all pre-employment conditions and examination requirements for the school bus driver permit, the Secretary of State shall issue a school bus driver permit with a provisional status. Upon successfully passing the Federal Bureau of Investigation's criminal background investigation the Secretary of State shall remove the bus driver permit from provisional status. The permit shall expire one year from the issuance date.
- 6) Current Permit Holders

- 1) All valid school bus driver permits issued under Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1] prior to July 1, 1995, shall remain valid until their expiration date unless otherwise invalidated.

- 2) Individuals who as of July 1, 1995 possess a valid school bus driver permit that was previously issued by the appropriate regional superintendent are not subject to the fingerprinting provisions as long as the permit remains valid and does not lapse. If an applicant re-applies for a school bus driver permit thirty (30) days or less after the date of expiration of the current permit, it shall not constitute a lapse.

- 3) Current school bus drivers also need not be retested at the Secretary of State's Driver Services Facility except when a change in license classification is required.

- 4) A re-applicant who has held a valid Illinois school bus driver permit issued prior to July 1, 1995, shall be required to submit an employer certification, verifying the completion of a yearly physical and refresher training, along with a fee of \$4.00.

Re-Applicants

- 1) All re-applicants for a school bus driver permit shall be required to submit an employer certification, verifying the completion of a yearly physical and refresher training.
- 2) All re-applicants for a school bus driver permit shall be required to submit the appropriate fee along with their renewal certification. Re-applications will not be accepted more than 30 days prior to the expiration date of the current permit.
- 1) The fee for a school bus driver permit shall be as follows:
 - 1) Original school bus driver permit.....\$4.00
 - 2) Re-application for school bus driver permit.....\$4.00
 - 3) Duplicate or corrected school bus driver permit.....\$4.00
- 2) Any individual who allows his/her school bus driver permit to expire for more than thirty (30) days shall be required to submit to all the

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- requirements set forth for a new applicant.
- c) Substitute Drivers: Any individual who drives when a regular school bus driver is not available must have a permit. Athletic coaches, teachers, and other school employees who occasionally drive school buses which transport students to and from school or school-related activities must be qualified and have a school bus driver's permit.
- d) Out-of-State Applicants: Persons residing in a state other than Illinois who desire employment as school bus drivers must possess a properly classified license from their home state. In addition, the applicant must follow the procedure outlined for new resident applicants.
- e) New Resident Applicants: Persons who have relocated to the State of Illinois who desire employment as school bus drivers must provide documentation from the former state(s) of residence prior to application that the requirements of Section 6-106.1(a)(3), (9) and (10) of the Illinois Vehicle Code (625 ILCS 5/6-106.1(a)(3), (9) and (10)) have been met. This documentation must be attached to the school bus driver application form prior to proceeding in the Secretary of State's Driver Services Facility. Such documentation must have been issued within ninety (90) days prior to the date of application. The applicant must follow the procedure outlined for new applicants as set forth in this Section.

Section 1035.30 Training

- a) Initial training as well as annual refresher training for school bus drivers is required by Section 6-106.1(a)(8) of the Illinois Vehicle Code (625 ILCS 5/6-106.1(a)(8)).
- b) Each new applicant shall complete an initial classroom course in school bus driver safety, including the first aid portion, offered by the State Board of Education in a program approved by the Secretary of State. This course must be completed prior to the issuance of a school bus driver permit.
- c) Prior to obtaining a school bus driver permit, the employer shall certify to the Secretary of State that the applicant has successfully completed the initial classroom course in school bus driver safety, including first aid procedures, and that the applicant has been provided sufficient practical behind-the-wheel instruction to ensure that the applicant has exhibited proficiency in the safe and proper operation of a school bus.
- d) The initial course and annual refresher courses are required for each school bus driver and shall consist of the following minimum requirements:
- 1) The Secretary of State shall be responsible for approving such courses and the agency or organization conducting the course;
 - 2) Refresher training courses shall be a minimum of two hours in length, part of which must include first aid training;
 - 3) Refresher training must be taught by an instructor certified by

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the Illinois State Board of Education.

Section 1035.35 Denial, Cancellation, or Suspension of a School Bus Driver Permit

- a) The Secretary of State shall deny or cancel a school bus driver permit of an applicant:
- 1) Whose criminal background investigation discloses that he/she is not in compliance with any of the provisions of Section 6-106.1(a) of the Illinois Vehicle Code (625 ILCS 5/6-106.1(a));
 - 2) Upon receiving notice that the permit holder fails to comply with any provision of this Part;
 - 3) Upon receiving notice that the permit holder's restricted commercial driving permit or commercial driving privileges are withdrawn or otherwise invalidated.
- b) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required pursuant to Section 6-106.1 of the Illinois Vehicle Code (625 ILCS 5/6-106.1) or under federal law.
- c) The Secretary of State shall deny an applicant for a school bus driver permit for a period of 3 years who fails to obtain a negative result on a drug test as required by Section 6-106.1 of the Illinois Vehicle Code (625 ILCS 5/6-106.1) or under federal law.
- d) The Secretary of State shall deny an applicant or re-applicant for a school bus driver permit upon an indication on a driving record that he/she has failed to pay any fines, costs or fees which deny the renewal or reissuance of a driver's license or any other indication on a driving record which denies the renewal or reissuance of a driver's license.
- e) A cancellation of a school bus driver permit shall remain in effect pending the outcome of a hearing pursuant to Section 2-118 of the Illinois Vehicle Code (625 ILCS 5/2-118).
- f) An order may be rescinded provided the cause is removed and the driver continues to meet the requirements as outlined in Section 6-106.1(a) of the Illinois Vehicle Code (625 ILCS 5/6-106.1(a)).

Section 1035.40 Notice

The Secretary of State shall immediately notify in writing the State Superintendent of Education and the permit holder's prospective or current employer that the applicant:

- a) has failed a FBI criminal background investigation; or
- b) is no longer eligible for a school bus driver permit; or
- c) of any related cancellations, suspensions, or denials of the applicant's school bus driver permit.

Section 1035.45 Employer Responsibility

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It shall be the responsibility of a prospective or current employer of an applicant or holder of a school bus driver permit to:

- a) Conduct a pre-employment interview with the prospective school bus driver candidates.
- b) Distribute school bus driver permit applications and medical forms.
- c) Insure that applicants submit to a fingerprint based criminal background investigation.
- d) Certify in writing to the Secretary of State that an applicant has successfully completed all pre-employment conditions.
- e) Notify in writing the Secretary of State that the employer has certified the removal of a school bus driver from service whose permit has been canceled or suspended by the Secretary of State, prior to the start of that school bus driver's next work shift.
- f) Immediately, upon receipt of a positive drug test, notify in writing the Secretary of State of such result. This information shall be privileged and maintained for the use of the Office of the Secretary of State.
- g) Notify in writing the Secretary of State, within 10 working days, of the employment or termination of a permitted school bus driver.
- h) Notify the Secretary of State as soon as possible, but not later than the (1) business day, whenever a school bus is involved in an accident and the driver is required to submit to the post-accident testing requirements as set forth in 49 C.F.R. 391.113.
- i) Maintain records of certifications for a period of two (2) years, which shall be available for inspection by the Secretary of State.

Section 1035.50 Hearings

- a) The Secretary of State shall conduct a hearing pursuant to Section 2-118 of the Illinois Vehicle Code (625 ILCS 5/2-118) upon the request of an applicant or holder whose school bus driving permit has been denied, canceled or suspended.
- b) The petition requesting a hearing shall be in writing and shall contain the reason the individual feels he/she is entitled to a school bus driver permit.
- c) The scope of the hearing shall be limited to the issuance criteria contained in Section 6-106.1(a) of the Illinois Vehicle Code (625 ILCS 5/6-106.1(a)).

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3) Section Number: Emergency Action:
35.130 New Section
- 4) Statutory Authority: Illinois Diseased Animals Act (510 ILCS 501); Section 6 of the Illinois Bovine Brucellosis Eradication Act (510 ILCS 30/6); Livestock Auction Market Law (225 ILCS 640); and Equine Infectious Anemia Control Act (510 ILCS 65)
- 5) Effective Date of Amendments: July 10, 1995
- 6) If this is emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date Filed in Agency's Principal Office: July 10, 1995
- 8) Reason for the Emergency: It has been confirmed that an outbreak of vesicular stomatitis, a disease affecting livestock, has occurred in New Mexico and Arizona. Kentucky has placed an embargo on livestock moving from Illinois, and other states surrounding Kentucky, until health certificates for animals transported from New Mexico and Arizona into Illinois indicate that the animals originated from a premises that has no signs of vesicular stomatitis within the past thirty days. It is a common occurrence that animals, especially horses, may be transported into Illinois from other states and are in Illinois less than thirty days before being moved to another state. In order for these animals to be allowed to move interstate for purposes of exhibition, sale, etc., the Department is initiating emergency rulemaking to address this situation.

9) A Complete Description of the Subjects and Issues Involved:
The Department is adding a requirement that a statement be placed on health certificates of animals moving into Illinois from any state with a confirmed diagnosis of vesicular stomatitis indicating that vesicular stomatitis has not been diagnosed within ten miles of the premises of origin within the past thirty days and there are no signs of vesicular stomatitis on the premises of origin.

- 10) Are there any proposed amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.
- 12) Information and questions regarding this adopted amendment shall be

DEPARTMENT OF AGRICULTURE

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directed to:

Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
217) 785-3713 or FAX: (217) 785-4505

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 85
DISEASED ANIMALS

Section	Definitions
35.5	Incorporation by Reference
35.7	Reportable Diseases
35.10	Truck Cleaning and Disinfection
35.15	Disposal of Sick, Diseased, or Crippled Animals at Stockyards
35.20	Sale of Livestock Quarantined Because of Disease
35.25	Identification Ear Tags for Livestock
35.30	Identification Tags Not to be Removed
35.35	Livestock for Immediate Slaughter Not to be Diverted En Route
35.40	Anthrax
35.45	Scats
35.50	Scrapie in Sheep
35.55	Bluetongue
35.60	Sheep Foot Rot (Repealed)
35.65	Cattle Scabies
35.70	Cattle Scabies--Additional Requirements on Cattle From Certain Designated Areas
35.75	Sheep
35.80	Diseased Animals
35.85	Copy of Health Certificate Shall Be Furnished
35.90	Requests for Permits
35.95	Consignments to Stockyards, Recognized Slaughtering Centers, or Marketing Centers
35.100	Obligation of Transportation Company and Truck Operators
35.105	Additional Requirements on Cattle From Designated States
35.110	Salmonella enteritidis serotype enteritidis
35.115	Cervidae
35.120	Ratites
35.125	Vesicular Stomatitis
35.130	EMERGENCY

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act (Ill. Rev. Stat. 1991, ch. 8, par. 168 et seq.) [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1991, ch. 8, par. 139) [510 ILCS 30/6]; Livestock Auction Market Law (Ill. Rev. Stat. 1991, ch. 121 1/2, par. 208) [225 ILCS 640]; and Equine Infectious Anemia Control Act (Ill. Rev. Stat. 1991, ch. 8, par. 951 et seq.) [510 ILCS 65].

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENTS

SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 22, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; modified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 23, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4189, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 30, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. **10734**, effective July 10, 1995, for a maximum of 150 days.

Section 85.130 Vesicular Stomatitis

EMERGENCY

All veterinarians issuing Certificates of Veterinary Inspection for livestock including equine, bovine, porcine, caprine, ovine, and cervidae transported into Illinois from any state with a confirmed diagnosis of vesicular stomatitis must include the following statement on the Certificate of Veterinary Inspection: "Vesicular stomatitis has not been diagnosed within ten miles of the premises of origin within the past thirty days. I have examined the premises of origin and have found no signs of vesicular stomatitis."

(Source: Emergency rule added at 19 Ill. Reg. **10734**, effective July 10, 1995, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Access to and Eligibility for Child Welfare Services
- 2) Code Citation: 89 Ill. Adm. Code 304
- 3) Section Numbers: Emergency Action:
304.4 Amend
304.5 Amend
- 4) Statutory Authority: Section 5 of the Children and Family Services Act [20 ILCS 505/5] (see Public Act 89-21, effective June 6, 1995).
- 5) Effective Date of Amendment: July 1, 1995
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: Not applicable
- 7) Date Filed in Agency's Principal Office: June 30, 1995

3) Reason for Emergency: Public Act 89-21, which was enacted June 6, 1995, specifically amended the Illinois Administrative Procedure Act to find that the State's current financial situation constitutes an emergency and to allow State agencies to enact emergency rulemaking to implement the purposes of the Act.

2) A Complete Description of the Subjects and Issues Involved: Public Act 89-21 amended the Children and Family Services Act to prohibit any court from committing a minor over age 13 to the Department of Children and Family Services or placing such a minor in DCFS custody if the minor has been charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent. Public Act 88-680, effective January 1, 1995, amended the Unified Code of Corrections to allow the Department of Children and Family Services to transfer custody of a delinquent minor 10 years of age or older to the Department of Corrections, if it is determined by an interagency review committee that the Department of Children and Family Services lacks adequate facilities to care for and rehabilitate the minor.

10) Are there any proposed amendments to this Part Pending? Yes

Section Numbers Proposed Action Illinois Register Citation

304.2 Amend 19 Ill. Reg. 3601, March 24, 1995

11) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

(2) Information and questions regarding these amendments shall be directed to:

Jacqueline Nottingham
 Chief, Office of Rules and Procedures
 Department of Children and Family Services
 406 East Monroe, Station # 222
 Springfield, Illinois 62701-1498

Telephone: (217)524-1983
 TTY: (217)524-3715

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 304

ACCESS TO AND ELIGIBILITY FOR CHILD WELFARE SERVICES

Section	Purpose
304.1	Definitions
304.2	Introduction to Child Welfare Services
304.3	Eligibility for Child Welfare Services
304.4	EMERGENCY
304.5	Access to Child Welfare Services
304.6	EMERGENCY
304.6	Decision Concerning Case Opening

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act (20 ILCS 505/5); Sections 2 and 2.1 of the Abused and Neglected Child Reporting Act (325 ILCS 5/2 and 2.1); Section 1-2 of the Juvenile Court Act of 1987 (705 ILCS 405/1-2); Section 1-103 of the Illinois Assessment and Other Drug Dependency Act (20 ILCS 305/1-103); and the Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act (42 U.S.C. 671(a)(14)).

SOURCE: Adopted and codified at 5 Ill. Reg. 13117, effective November 30, 1981; amended at 8 Ill. Reg. 12119, effective July 9, 1984; amended at 17 Ill. Reg. 251, effective December 31, 1992; amended at 19 Ill. Reg. 9429, effective July 1, 1995; emergency amendment at 19 Ill. Reg. **10738**, effective July 1, 1995 for a maximum of 150 days.

Section 304.4 Eligibility for Child Welfare Services**EMERGENCY**

- a) Children and Families the Department Must Serve
- The Department must, by law, provide child welfare services to the following categories of children and families:
- 1) abused and neglected children and their families;
 - 2) dependent children and their families;
 - 3) children under the age of 13 who have been adjudicated delinquent and their families;
 - 4) children for whom the Department already has court ordered legal responsibility who are subsequently adjudicated delinquent or minors requiring authoritative intervention and their families.
- The Department is mandated to continue serving these children even if they are over age 13 when they are adjudicated delinquent or minors requiring authoritative intervention. However, the Department may transfer custody of a minor 10 years of age or

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Over to the Juvenile Division of the Department of Corrections in accordance with the provisions of the Unified Code of Corrections 30 ILCS 5/3-10-11, if the minor has been adjudicated delinquent and it is determined by an interagency review committee that the Department lacks adequate facilities to care for and rehabilitate the minor.

- b) Children and Families the Department May Elect to Serve. In addition to the children and families the Department must serve, the Department may elect to provide child welfare services to other children and families who request the services, who the Department seems to be in need of the services, and who the Department seems will benefit from the services.
- c) No Financial Eligibility. The family's income, assets or other financial resources do not affect whether a family is eligible for child welfare services. Instead, child welfare services are provided to the children and families who need them, who will benefit from them and who the Department is responsible for serving, regardless of the family's ability to pay for the services.

Source: Emergency amendment at 19 Ill. Reg. **10738**, effective July 1, 1995, for a maximum of 150 days)

Section 304.5 Access to Child Welfare Services

EMERGENCY

- a) Child welfare services are available to Illinois families with children under age 18 and to children found within the state who are under age 18 who fall into one of the categories outlined in Section 304.4. Children and families come to the Department's attention in one of the following ways:
 - 1) through a report to the Department that a child is alleged to be abused, neglected, or dependent,
 - 2) through a referral from a purchase of service provider or another public or private agency,
 - 3) through a direct request for child welfare services from a family
- A) to keep the family together or to assist in alleviating problems which are likely to result in harm to the child,
- B) to have a child temporarily removed from their care until a family crisis or short term problem is resolved. These requests, called "voluntary placement agreements," are limited to 60 days and require the prior written approval of the administrator in charge of the Department region or his designee. A voluntary placement agreement may be renewed for an additional 60 days only with the prior written approval of the administrator in charge of the Department region,
- C) to voluntarily surrender their child for adoption. These

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requests can result in voluntary adoption surrenders and shall not be taken unless an adoptive placement resource for that child is expected to be available within 90 days. The Department will seek court ordered legal responsibility for the child when an adoptive placement resource is not readily available,

- 4) through certain dispositional court orders. However, a minor charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except a minor less than 13 years of age committed to the Department under Section 5-23 of the Juvenile Court Act of 1987. (20 ILCS 505/5)
- b) When a purchase of service provider or other public or private agency refers a child or family to the Department for service provision or service funding, the Department shall:
 - 1) determine the appropriateness of Department involvement in accordance with Sections 304.3(b) and 304.4; and
 - 2) make a decision concerning case opening in accordance with Section 304.6.

Source: Emergency amendment at 19 Ill. Reg. **10738**, effective July 1, 1995, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Licensing Standards for Foster Family Homes

2) Code Citation: 89 Ill. Adm. Code 402

3) Section Numbers: Proposed Action:
402.28 Amend

4) Statutory Authority: 225 ILCS 10 (see Public Act 89-21, effective June 8, 1995).

5) Effective Date of Amendment: July 1, 1995

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: Not Applicable

7) Date Filed in Agency's Principal Office: June 30, 1995

8) Reason for Emergency: Public Act 89-21, which was enacted June 8, 1995, specifically amended the Illinois Administrative Procedure Act to find that the State's current financial situation constitutes an emergency and to allow State agencies to enact emergency rulemaking to implement the purposes of the Act.

9) A Complete Description of the Subjects and Issues Involved: Public Act 89-21 amended the Adoption Act to allow relatives to adopt children related to them without being licensed first as a foster family home. These emergency amendments to the licensing standards for foster family homes are necessary to implement the provisions of Public Act 89-21.

10) Are there any proposed amendments to this Part Pending? No

11) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

12) Information and questions regarding these amendments shall be directed to:

Jacqueline Nottingham
Chief, Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #222
Springfield, IL 62701-1498
(217) 524-1983 or TTY: (217) 524-3715

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 402

LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section	Purpose
402.1	Definitions
402.2	Effective Date of Standards (Repealed)
402.3	Application for License
402.4	Application for Renewal of License
402.5	Provisions Pertaining to Permits
402.6	Provisions Pertaining to the License
402.7	General Requirements for the Foster Home
402.8	Requirements for Sleeping Arrangements
402.9	Nutrition and Meals
402.10	Business and Employment of Foster Family
402.11	Qualifications of Foster Parents
402.12	Background Inquiry
402.13	Health of Foster Family
402.14	Number and Ages of Children Served
402.15	Meeting Basic Needs of Children
402.16	Health Care of Children
402.17	Religion
402.18	Recreation and Leisure Time
402.19	Education
402.20	Discipline of Children
402.21	Emergency Care of Children
402.22	Release of Children
402.23	Confidentiality of Information
402.24	Required Written Consents
402.25	Records to be Maintained
402.26	Licensing Supervision
402.27	Adoptive Homes
402.28	EMERGENCY
402.29	Severability of This Part

APPENDIX A Criminal Convictions Which Prevent Licensure

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. **10743**, effective July 1, 1995, for a maximum of 150 days.

Section 402.28 Adoptive Homes
EMERGENCY

An adoptive home shall be licensed as a foster family home before placement of an unrelated child for adoption.

(Source: Emergency amendment at 19 Ill. Reg. **10743** effective July 1, 1995, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Services Delivered by the Department
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3) Section Numbers: Proposed Action:
302.310 Amend
- 4) Statutory Authority: Section 5 of the Children and Family Services Act (20 ILCS 505/5) (see Public Act 89-21)
- 5) Effective Date of Amendment: July 1, 1995
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: Not applicable
- 7) Date Filed in Agency's Principal Office: June 30, 1995
- 8) Reason for Emergency: Public Act 89-21, which was enacted June 9, 1995, specifically amended the Illinois Administrative Procedure Act to find that the State's current financial situation constitutes an emergency and to allow State agencies to enact emergency rulemaking to implement the purposes of the Act.
- 9) A Complete Description of the Subjects and Issues Involved: Public Act 89-21 amended the Children and Family Services Act to limit adoption assistance payments to at least \$25 less than the monthly cost of care of the child in a foster home, as set forth in the annual assistance agreement. This is \$24 per month less than the current maximum payment for adoption assistance. These emergency rules are enacted to enable the Department to begin making adjustments in annual adoption assistance agreements effective July 1, 1995 in order to comply with Public Act 89-21.

10) Are there any proposed amendments to this Part Pending? Yes

Section Numbers	Proposed Action	Illinois Register Citation
302.20	Amend	19 Ill. Reg. 3730, March 24, 1995
302.40	Amend	19 Ill. Reg. 3730, March 24, 1995
302.320	Amend	19 Ill. Reg. 3730, March 24, 1995
302.330	Amend	19 Ill. Reg. 3730, March 24, 1995
302.340	Amend	19 Ill. Reg. 3730, March 24, 1995
302.370	Amend	19 Ill. Reg. 3730, March 24, 1995
302.390	Repeal	19 Ill. Reg. 3730, March 24, 1995

11) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates

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NOTICE OF EMERGENCY AMENDMENT

Act [30 ILCS 805/31.

12) Information and questions regarding these amendments shall be directed to:

Jacqueline Nottingham
 Chief, Office of Rules and Procedures
 Department of Children and Family Services
 406 East Monroe, Station #222
 Springfield, IL 62701-1498
 217) 524-1983 or TTY: (217) 524-3715

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 302

SERVICES DELIVERED BY THE DEPARTMENT

SUBPART A: GENERAL PROVISIONS

Section	
302.10	Purpose
302.20	Definitions
302.30	Introduction
302.40	Department Service Goals
302.50	Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	
302.300	Adoptive Placement Services
302.305	Adoption Listing Service for Special Needs Children
302.310	Adoption Assistance
EMERGENCY	
302.311	Nonrecurring Adoption Expenses
302.315	Adoption Registry
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.370	Homemaker Services
302.380	Information and Referral Services

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302.390 Placement Services (Repealed)
 302.400 Successor Guardianship

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section
 302.500 Purpose
 302.510 Implementation of the Family Preservation Act
 302.520 Types of Intensive Family Preservation Services
 302.530 Phase In Plan for Statewide Family Preservation Services
 302.540 Time Frames

Appendix A Acknowledgement of Mandated Reporter Status (Recodified)

AUTHORITY: Authorized by Section 5. [20 ILCS 505/5] and implementing the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 505/1-103]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 24, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired on July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. **10746**, effective July 1, 1995, for a maximum of 150 days.

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.310 Adoption Assistance
 EMERGENCY

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a) Adoption assistance, also known as adoption subsidy, shall be offered to persons adopting special needs children:

- 1) for whom the Department is legally responsible, or for whom the Department is not legally responsible who were eligible for Aid to Families with Dependent Children (AFDC) at the time the adoption petition was filed or who were eligible for Supplemental Security Income (SSI) prior to finalization of the adoption, and who are legally free for adoption, and
- 2) who cannot or should not be returned to their parents' homes as determined by the standards delineated in 89 Ill. Adm. Code 305.100, and
- 3) for whom adoption without adoption assistance is unlikely or has been unsuccessful, and
- 4) who have been placed in the adoptive home and for whom an adoption assistance agreement, in accordance with subsection (e), has been signed prior to finalization of the adoption.

b) Special needs children are those:

- 1) who have irreversible or non-correctable physical or mental handicaps; or
- 2) who have physical, mental or emotional handicaps correctable through surgery, treatment, or other specialized services; or
- 3) who are 6 years of age or older; or
- 4) who are 3 years of age or older and are members of racial minorities; or
- 5) who are members of a sibling group who are being placed together where at least one child meets one or more of the above criteria.

c) Types and amounts of adoption assistance are based on the needs of the child and may include:

- 1) ongoing monthly payments at least \$25 not-to-exceed \$1 less than the foster family care payment level which had been received--or would-be-received-if-the-child-were-in-foster-care as adjusted in accordance with subsection (d) below and as set forth in the annual adoption assistance agreement;
- 2) one-time only payment for services related to legally completing the adoption;
- 3) payments for those physical, emotional and mental health needs which are not wholly payable through insurance or other public resources and which are associated with or result from a medical condition(s) whose onset has been established as occurring prior to the completion of the adoption.
- d) A prospective adoptive family being presented with a child determined to be a special needs child shall be made aware of the availability of adoption assistance, the types of assistance available, the amount of payment which may be available, based on the needs, age, and placement of the child and adjusted for any benefits, such as Social Security or Veteran's benefits which the child will be receiving.

e) The type(s), amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parent(s)

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prior to the finalization of the adoption. The duration of adoption assistance may not extend beyond age 18 years (for children adopted after the effective date of this Part) unless the child has a mental or physical disability. If the child adopted after the effective date of this Part has a mental or physical disability and other assistance is not available, the assistance may be provided to age 21.

5) The adoptive parent(s) shall notify the Department when:

- 1) they are no longer legally responsible for the support of the child; or
- 2) the child is no longer receiving any financial support from the adoptive parent(s); or
- 3) the conditions for which periodic services were needed have changed; or
- 4) the family has received notification of child's eligibility for certain benefits such as, social security, SSI, Veterans, railroad retirement or black lung benefits, etc. and the family has been named payee.

3) Adoption assistance payments shall be adjusted to reflect the above changes in circumstances. The Department shall annually review with the adoptive parent(s) the continuing need of the child for adoption assistance. Any adjustment in adoption assistance payments shall be made with prior written notice to the adoptive parent(s).

(Source: Emergency amendment at 19 Ill. Reg. **10746**, effective July 1, 1995, for a maximum of 150 days)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Emergency Action:

148.120	Amendment
148.140	Amendment
148.160	Amendment
148.170	Amendment
148.295	New Section
148.310	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: July 1, 1995
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1995
- 8) Reason for Emergency: These emergency amendments are being filed pursuant to the Governor's fiscal year 1996 budget plan and the enactment of the State's budget by the legislature. These amendments will serve to maximize the benefits of federal matching funds for hospital services provided under Illinois' Medical Assistance Program, and are a necessary component of the Department's budget initiatives for fiscal year 1996. Emergency rulemaking is specifically authorized for the implementation of budget initiatives for fiscal year 1996, by Section 10-95 of Public Act 89-21.

3) Complete Description of the Subjects and Issues Involved: These emergency amendments describe changes in reimbursement methodologies for hospital services covered under the Medical Assistance Program. The Department is initiating the changes found in Sections 148.120 through 148.170 to maximize the availability of federal matching funds (FFP) to hospitals as permitted by Illinois' federal disproportionate share (DSH) spending limitations and federal upper limits. The changes are intended to increase funding for hospital services and improve services for Medicaid recipients, while complying with the budget plan for fiscal year 1996. These rate changes for hospital services are consistent with current reimbursement methodologies and ensure compliance with federal regulations.

In Sections 148.120, 148.140 and 148.160, the emergency changes will affect rates of reimbursement for county-owned hospitals in Illinois

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counties which have populations greater than three million. Section 148.120 describes revisions to the DSH adjustment calculation which meet requirements found in Public Law 103-66. Section 148.140 is being revised by the addition of a county facility outpatient rate adjustment. Section 148.160 is being revised to reflect a Medicaid percentage adjustment, a critical inpatient adjustment, and a redefinition of the supplemental DSH adjustment as an inpatient adjustment.

Emergency changes to Section 148.170, which addresses reimbursement for hospitals organized under the University of Illinois Hospital Act, affect the multiplier for the DSH calculation.

Additionally, the Department is also initiating the emergency implementation of a critical hospital adjustment payment, as described in Section 148.295. Hospitals meeting certain criteria, but excluding county-owned hospitals and hospitals organized under the University of Illinois Hospital Act, will be eligible for this payment adjustment. These payments will recognize and ensure the availability of critical hospital services, including trauma care, perinatal care, obstetrics, rehabilitation and pediatrics. Hospitals with high Medicaid utilization and high occupancy levels will also qualify for critical hospital adjustment payments. These provisions respond to Public Act 89-21 which allows the Department to establish criteria for the payment adjustment methodology described in Section 148.295. Review procedures regarding critical hospital adjustment payments are detailed in Section 148.310.

It is anticipated that these emergency amendments will result in an annual increase in Department expenditures of approximately \$549 million; approximately one-half of that amount is FFP.

10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
148.175	New Section	May 12, 1995 (19 Ill. Reg. 6449)
148.240	Amendment	May 12, 1995 (19 Ill. Reg. 6449)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762

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(217) 524-3215

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

Section	Hospital Services
148.10	Participation
148.20	Definitions and Applicability
148.25	General Requirements
148.30	Special Requirements
148.40	Covered Hospital Services
148.50	Services Not Covered as Hospital Services
148.60	Limitation On Hospital Services
148.70	Organ Transplants Services Covered Under Medicaid (Repealed)
148.80	Organ Transplant Services
148.82	Heart Transplants (Repealed)
148.90	Liver Transplants (Repealed)
148.100	Bone Marrow Transplants (Repealed)
148.110	Disproportionate Share Hospital (DSH) Adjustments
148.120	Outlier Adjustments for Exceptionally Costly Stays
148.130	Hospital Outpatient and Clinic Services
EMERGENCY	
148.140	Public Law 103-66 Requirements
148.150	Payment Methodology for County-Owned Hospitals in a County with a Population of Over Three Million
148.160	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
EMERGENCY	
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
EMERGENCY	
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
EMERGENCY	
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260	Calculation and Definitions of Inpatient Per Diem Rates

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148.270 Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals

148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements

148.290 Adjustments and Reductions to Total Payments

148.295 Critical Hospital Adjustment Payments (CHAP)

EMERGENCY

148.300 Payment

148.310 Review Procedure

EMERGENCY

148.320 Alternatives

148.330 Exemptions

148.340 Subacute Alcoholism and Substance Abuse Treatment Services

148.350 Definitions

148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services

148.368 Volume Adjustment (Repealed)

148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services

148.373 Utilization (Repealed)

148.376 Utilization, Case-Mix and Discretionary Funds

148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services

148.390 Hearings

148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and VII and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16988, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment

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at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752 effective July 1, 1995, for a maximum of 150 days.

10752**Section 148.120 Disproportionate Share Hospital (DSH) Adjustments****EMERGENCY**

Disproportionate Share Hospital (DSH) adjustments for inpatient services provided prior to October 1, 1993, shall be determined and paid in accordance with the statutes and administrative rules governing the time period when the services were rendered. The Department shall make an annual determination of those hospitals qualified for adjustments under this Section effective October 1, 1993, and each October 1, thereafter unless otherwise noted.

- a) Qualified Disproportionate Share Hospitals (DSH). For inpatient services provided on or after October 1, 1993, the Department shall make adjustment payments to hospitals which are deemed as disproportionate share by the Department. A hospital may qualify for a DSH adjustment in one of the following ways:

- 1) The hospital's Medicaid inpatient utilization rate, as defined in subsection (k)(1)(5) of this Section, is at least one half standard deviation above the mean Medicaid utilization rate, as defined in subsection (k)(1)(3) of this Section.
- 2) The hospital's low income utilization rate exceeds 25 per centum. For this alternative, payments for all patient services (not just inpatient) for Medicaid, Family and Children Assistance (formerly known as General Assistance), Aid to the Medically Indigent (AMI) and/or any local or state government-funded care, must be counted as a percentage of all net patient service revenue. To this percentage, the percentage of total inpatient charges attributable to inpatient charges for charity care (less payments for GA and AMI inpatient hospital services, and/or any local or state government-funded care) must be added.
- 3) Illinois hospitals that, on July 1, 1991, had a Medicaid inpatient utilization rate, as defined in subsection (k)(1)(5) of this Section, that was at least the mean Medicaid inpatient utilization rate, as defined in subsection (k)(1)(3) of this

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Section, and which were located in a planning area with one-third or fewer excess beds as determined by the Illinois Health Facilities Planning Board (77 Ill. Adm. Code 1100), and that, as of June 30, 1992, were located in a federally designated Health Manpower Shortage Area (42 CFR 5, 1989).

- 4) Illinois hospitals that:

- A) Have a Medicaid inpatient utilization rate, as defined in subsection (k)(1)(5) of this Section, which is at least the mean Medicaid inpatient utilization rate, as defined in subsection (k)(1)(3) of this Section, and
- B) Have a Medicaid obstetrical inpatient utilization rate, as defined in subsection (k)(1)(6) of this Section, that is at least one standard deviation above the mean Medicaid obstetrical inpatient utilization rate, as defined in subsection (k)(1)(4) of this Section.
- 5) Any children's hospital, which means a hospital devoted exclusively to caring for children. A hospital which includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality shall be considered a children's hospital to the degree that the hospital's medical assistance care is provided to children.
- c) In addition, to be deemed a DSH hospital, a hospital must provide the Department, in writing, with the names of at least 2 obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to such services under a State Medicaid plan. In the case of a hospital located in a rural area (that is, an area outside of a Metropolitan Statistical Area, as defined by the Executive Office of Management and Budget), the term "obstetrician" includes any physician with staff privileges at the hospital to perform nonemergency obstetric procedures. This requirement does not apply to a hospital in which the inpatients are predominantly individuals under 18 years of age; or does not offer nonemergency obstetric services as of December 22, 1987. Hospitals that do not offer nonemergency obstetrics to the general public, with the exception of those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4), must submit a statement to that effect.
- c) In making the determination described in subsections (a)(1) and (a)(4)(A) above, the Department shall utilize:
 - 1) The hospital's final audited cost report for the hospital's base fiscal year. Medicaid inpatient utilization rates, as defined in subsection (k)(1)(5) of this Section, which have been derived from final audited cost reports, are not subject to the Review Procedure described in Section 148.310, with the exception of errors in calculation.
 - 2) In the absence of a final audited cost report for the hospital's base fiscal year, the Department shall utilize the hospital's unaudited cost report for the hospital's base fiscal year. Due to the unaudited nature of this information, hospitals shall have

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the opportunity to submit a corrected cost report for the determination described in subsections (a)(1) and (a)(4)(A) above. Submittal of a corrected cost report in support of subsections (a)(1) and (a)(4)(A) above must be received no later than the first day of July preceding the DSH determination year for which the hospital is requesting consideration of such corrected cost report for the determination of DSH qualification. Corrected cost reports which are not received in compliance with these time limitations will not be considered for the determination of the hospital's Medicaid inpatient utilization rate as described in subsection (k)(4)(5) of this Section.

A) Hospital's Medicaid inpatient utilization rates, as defined in subsection (k)(4)(5) of this Section, which have been derived from unaudited cost reports, are not subject to the Review Procedure described in Section 148.310, with the exception of errors in calculation. Pursuant to subsection (c)(2) above, hospitals shall have the opportunity to submit corrected cost report information prior to the Department's final DSH determination.

B) In the event a subsequent final audited cost report reflects a Medicaid inpatient utilization rate, as described in subsection (k)(4)(5) of this Section, which is lower than the Medicaid inpatient utilization rate derived from the unaudited cost report utilized for the DSH determination, the Department shall recalculate the Medicaid inpatient utilization rate based upon the final audited cost report, and recoup any overpayments made.

C) Certain types of inpatient days of care provided to Title XIX recipients are not available from the cost report, i.e., Medicare/Medicaid crossover claims, out-of-state Title XIX Medicaid utilization levels, Medicaid Health Maintenance Organization (HMO) days, hospital residing long term care days, and Department of Alcohol and Substance Abuse (DASA) Medicaid days. To obtain Medicaid utilization levels in these instances, the Department shall utilize:

- A) Medicare/Medicaid Crossover Claims.
 - i) For DSH determination years on or after October 1, 1996, the Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for each hospital's base fiscal year. Provider logs as described in the following subsection (c)(3)(A)(ii) will not be used in the determination process for DSH determination years on or after October 1, 1996.
 - ii) For DSH determination years prior to October 1, 1996, hospitals may submit additional information to document Medicare/Medicaid crossover days that were not billed to the Department due to a determination

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that the Department had no liability for deductible or coinsurance amounts. That information must be submitted in log form. The log must include a patient account number or medical record number, patient name, Medicaid recipient identification number, Medicare identification number, date of admission, date of discharge, the number of covered days, and the total number of Medicare/Medicaid crossover days. That log must include all Medicare/Medicaid crossover days billed to the Department and all Medicare/Medicaid crossover days which were not billed to the Department for services provided during the hospital's base fiscal year. If a hospital does not submit a log of Medicare/Medicaid crossover days that meets the above requirements, the Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for the hospital's applicable base fiscal year.

B) Out-of-state Title XIX Utilization Levels. Hospital statements and verification reports from other states will be required to verify out-of-state Medicaid recipient utilization levels. The information submitted must include only those days of care provided to out-of-state Medicaid recipients during the hospital's base fiscal year.

C) HMO days. The Department will utilize the Department's HMO claims data available to the Department as of the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of inpatient days provided to recipients enrolled in an HMO.

D) Hospital Residing Long Term Care Days. The Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of hospital residing long term care inappropriate level of care days provided to recipients.

E) DASA Days. The Department will utilize the Department's DASA paid claims data available to the Department as of the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of inpatient DASA days provided.

d) Hospitals may apply for DSH status under subsection (a)(2) by submitting an audited certified financial statement for the hospital's base fiscal year. The Department of Mental Health and Developmental Disabilities must submit a statement, signed by the Director of that agency, certifying the accuracy of the data submitted for facilities operated by that agency. The statements must contain the following breakdown of information prior to submittal to the Department for consideration:

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- 1) Total hospital net revenue for all patient services, both inpatient and outpatient, for the hospital's base fiscal year.
- 2) Total payments received directly from State and local governments for all patient services, both inpatient and outpatient, for the hospital's base fiscal year.
- 3) Total gross inpatient hospital charges for charity care (this must not include contractual allowances, bad debt or discounts, except contractual allowances and discounts for Family and Children Assistance, formerly known as General Assistance, and AMI patients), for the hospital's base fiscal year.
- 4) Total amount of the hospital's gross charges for inpatient hospital services for the hospital's base fiscal year.
- e) With the exception of cost-reporting children's hospitals in contiguous states that provide 100 or more inpatient days of care to Illinois program participants, only those cost-reporting hospitals located in states contiguous to Illinois that qualify for DSH in the state in which they are located based upon the Federal definition of a DSH hospital, as defined in Section 1923(b)(1) of the Social Security Act, may qualify for DSH hospital adjustments under this Section. For purposes of determining the Medicaid inpatient utilization rate, as described in subsection (k)(4)(5) of this Section and as required in Section 1923(b)(1) of the Social Security Act, out-of-state hospitals will be measured in relationship to one standard deviation above the mean Medicaid inpatient utilization rate in their state. Out-of-state hospitals that do not qualify by the Medicaid inpatient utilization rate from their state may submit an audited certified financial statement as describe in subsection (d) above. Payments to out-of-state hospitals will be allocated using the same methods as described in subsection (g).
- f) Time Limitation Requirements for Additional Information.
 - 1) The information required in subsections (a)(2), (c), (d) and (e) must be received no later than the first day of July preceding the DSH determination year for which the hospital is requesting consideration of such information for the determination of DSH qualification. Information required in this Section which is not received in compliance with these limitations will not be considered for the determination of those hospitals qualified for DSH adjustments.
 - 2) The information required in subsection (b) must be received within 30 calendar days after receipt of notification from the Department that the information must be submitted. Information required in this Section which is not received in compliance with these limitations will not be considered for the determination of those hospitals qualified for DSH adjustments.
- g) Inpatient Payment Adjustments to DSH Hospitals. The adjustment payments required by subsection (a) above shall be calculated annually as follows:
 - 1) Five Million Dollar Fund Adjustment for hospitals defined in

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- Section 148.25(b)(1).
- A) Hospitals qualifying as DSH hospitals under subsection (a)(1) that have a Medicaid inpatient utilization rate, as described in subsection (k)(4)(5) of this Section, which is at least one standard deviation above the mean Medicaid inpatient utilization rate, as described in subsection (k)(4)(3) of this Section, and hospitals qualifying as DSH hospitals under subsection (a)(2) of this Section will receive an add-on payment to their inpatient rate.
 - B) The distribution method for the add-on payment described in subsection (g)(1)(A) above is based upon a fund of \$5 million. All hospitals qualifying under subsection (g)(1)(A) above will receive a \$5 per day add-on to their current rate. The total cost of this adjustment is calculated by multiplying each hospital's most recent completed fiscal year Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) by \$5. The total dollar amount of this calculation is then subtracted from the \$5 million fund.
 - C) The remaining fund balance is then distributed to the hospitals that qualify under subsection (a)(1) that have a Medicaid inpatient utilization rate, as described in subsection (k)(4)(5) of this Section, which is at least one standard deviation above the mean Medicaid inpatient utilization rate, above in proportion to the percentage by which the hospital's Medicaid inpatient utilization rate exceeds one standard deviation above the State's Medicaid inpatient utilization rate, as described in subsection (k)(4)(3) of this Section. This is done by finding the ratio of each hospital's percent Medicaid utilization to the State's mean plus one standard deviation percent Medicaid value. These ratios are then summed and each hospital's proportion of the total is calculated. These proportional values are then multiplied by each hospital's most recent completed fiscal year Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization). These weighted values are summed and each hospital's proportion of the summed weighted value is calculated. Each individual hospital's proportional value is then multiplied against the \$5 million pool of money available after the \$5 per day base add-on has been subtracted.
 - D) The total dollar amount calculated for each qualifying hospital under subsection (g)(1)(C) above, plus the initial \$5 per day add-on amount calculated for each qualifying hospital under subsection (g)(1)(B) above, is then divided by the Medicaid inpatient utilization data

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(adjusted based upon historical utilization and projected increases in utilization) to arrive at per day add-on value. Hospitals qualifying under subsection (a)(2), will receive the minimum adjustment of \$5 per inpatient day. The adjustments calculated under this subsection are subject to the limitations described in subsection (j)(4) of this Section.

- C) Medicaid Percentage Adjustment for hospitals defined in Section 148.25(b)(1), excluding hospitals defined in Section 148.25(b)(1)(A).

A) In addition to the adjustment methodology described in subsection (g)(1) above, all DSH hospitals described in subsection (a)(1), (2), (3) (4), and (5) shall receive a payment adjustment which shall be calculated annually as follows:

- B) The payment adjustment shall be calculated based upon the hospital's Medicaid inpatient utilization rate, as defined in subsection (k)(4)(5) of this Section, and subject to subsections (h) and (i) and (j) below, as follows:

i) Hospitals with a Medicaid inpatient utilization rate below the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$25;

ii) Hospitals with a Medicaid inpatient utilization rate that is equal to or greater than the mean Medicaid inpatient utilization rate but less than one standard deviation above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$25 plus \$1 for each one percent that the hospital's Medicaid inpatient utilization rate exceeds the mean Medicaid inpatient utilization rate;

iii) Hospitals with a Medicaid inpatient utilization rate that is equal to or greater than one standard deviation above the mean Medicaid inpatient utilization rate but less than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$40 plus \$7 for each one percent that the hospital's Medicaid inpatient utilization rate exceeds one standard deviation above the mean Medicaid inpatient utilization rate; and

iv) Hospitals with a Medicaid inpatient utilization rate that is equal to or greater than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$90 plus \$2 for each one percent that the hospital's Medicaid inpatient utilization rate exceeds one standard deviation above the mean Medicaid inpatient utilization rate.

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- C) For county-owned hospitals, as described in Section 148.25(b)(1)(A), or a hospital organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), the amount calculated pursuant to subsection (g)(2)(B) above shall be increased by \$60 per day.

- D) The Medicaid percentage adjustment payment, calculated in accordance with this subsection (g)(2), to a hospital, other than county-owned hospitals, as described in Section 148.25(b)(1)(A), or a hospital and/or hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), shall not exceed \$155 per day for a children's hospital, as described in subsection (a)(5) of this Section, and shall not exceed \$215 per day for all other hospitals.

- E) The amount calculated pursuant to subsections (g)(2)(B) through (g)(2)(D) above shall be adjusted on October 1, 1993, and annually thereafter by a percentage equal to the lesser of:

i) The increase in the national hospital market basket price proxies (DRI) hospital cost index for the most recent 12 month period for which data are available; or

ii) The percentage increase in the statewide average hospital payment rate, as described in subsection (k)(4)(8) of this Section, over the previous year's statewide average hospital payment rate.

- F) The amount calculated pursuant to subsection (g)(1) and (g)(2)(B) through (g)(2)(F) above for hospitals described in Section 148.25(b)(1)(A) shall be no less than the DSH rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services is calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- G) The amount calculated pursuant to subsections (g)(1) and (g)(2)(B) through (g)(2)(E) above, as adjusted pursuant to subsections (h) and (i) and (j) below, shall be the inpatient payment adjustment in dollars for the applicable DSH determination year, subject to the limitations described in subsections (g)(2)(D) and (j)(4) of this Section, and the adjustment described in subsection (g)(2)(F) above. The adjustments calculated under subsections (g)(1) and (g)(2)(B) through (g)(2)(F) of this Section shall be paid on a per diem basis and shall be applied to each covered day of

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care provided.

- 3) DMHDD State-Operated Facility Adjustment for hospitals defined in Section 148.25(b)(6). Department of Mental Health and Developmental Disabilities (DMHDD) State-operated facilities qualifying under subsection (a)(2) shall receive an adjustment for inpatient services provided on or after March 1, 1995. The amount of that payment shall be calculated as follows:

A) The amount of the adjustment is based on a State DSH Pool. The State DSH Pool amount shall be calculated by subtracting the estimated DSH payment adjustments made under subsection (g)(1) through (g)(2) above and Section Sections 148.160-148.170(f)(2) from the aggregate DSH payment adjustment set by the Health Care Financing Administration (HCFA) in accordance with Public Law 102-234.

B) The State DSH Pool amount is then allocated to hospitals defined in Section 148.25(b)(6) that qualify for DSH adjustments by multiplying the State DSH Pool amount by each hospital's ratio of Medicaid inpatient utilization (adjusted based upon historical utilization and projected increases in utilization) to the sum of all qualifying hospitals' Medicaid inpatient utilization.

C) The adjustment calculated in (g)(3)(B) above shall meet the limitation described in subsection (j)(4) below.

D) The adjustment calculated pursuant to subsection (g)(3)(B) above, for each hospital defined in Section 148.25(b)(6) that qualifies for DSH adjustments, is then divided by the Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) to arrive at a per day adjustment. This amount is subject to the limitations described in subsection (j)(4) of this Section. The adjustment described in this subsection shall be paid on a per diem basis and shall be applied to each Medicaid covered day of care provided.

4) Inpatient Adjuster for Children's Hospitals. For a children's hospital, as defined in subsection (a)(5) of this Section, the payment adjustment calculated under subsection (g)(2) above shall be multiplied by 2.0.

5) Inpatient Adjuster for County-Owned--Hospitals. For county-owned hospitals defined in Section 148.25(b)(1) and (2) above, the payment adjustment calculated under subsection (g)(2) above shall be multiplied by 1.50.

6) Inpatient Adjuster for Hospitals Organized Under the University of Illinois Hospital Act. For a hospital and/or hospitals organized under the University of Illinois Hospital Act, as defined in Section 148.25(b)(1)(B), the payment adjustment calculated under subsection (g)(2) above shall be multiplied by 1.50.

7) DSH Adjustment Limitations.

1) Hospitals that qualify for DSH adjustments under this Section shall not be eligible for the total DSH adjustment if, during the

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DSH determination year, the hospital discontinues the provision of non-emergency obstetrical care (the provisions of this subsection shall not apply to those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4) or those hospitals that have not offered nonemergency obstetric services as of December 22, 1987). In this instance, the adjustments calculated under subsections (g)(1) and (g)(2) shall cease effective on the date that the hospital discontinued the provision of such non-emergency obstetrical care.

2) Inpatient Payment Adjustments based upon DSH Determination Reviews. Appeals based upon a hospital's ineligibility for DSH payment adjustments, or their payment adjustment amounts, in accordance with Section 148.310(b), which result in a change in a hospital's eligibility for DSH payment adjustments or a change in a hospital's payment adjustment amounts, shall not affect the DSH status of any other hospital or the payment adjustment amount of any other hospital that has received notification from the Department of their eligibility for DSH payment adjustments based upon the requirements of this Section.

3) DSH Payment Adjustment. In accordance with Public Law 102-234, if the aggregate DSH payment adjustments calculated under this Section do not meet the State's final DSH Allotment as determined by the Health Care Financing Administration (HCFA), DSH payment adjustments calculated under this Section shall be adjusted to meet the State DSH Allotment. This adjustment shall first be applied to DSH payments made under subsection (g)(3) above. If further adjustments are necessary, then DSH payments made under subsection (g)(2) above shall be adjusted, with the DSH payments under subsection (g)(1) being adjusted last.

4) Omnibus Budget Reconciliation Act of 1993 (OBRA '93) Adjustments. In accordance with Public Law 103-66, adjustments to individual hospitals' disproportionate share payments shall be made if the sum of Medicaid payments (inpatient, outpatient, and disproportionate share) made to a hospital exceed the costs of providing services to Medicaid clients and persons without insurance. The adjustments shall reduce disproportionate share spending until the costs and spending (described in the previous sentence) are equal or until the disproportionate share payments are reduced to zero. In this calculation, persons without insurance costs do not include contractual allowances. Hospitals qualifying for DSH payment adjustments must submit the information required in Section 148.150.

5) Medicaid Inpatient Utilization Rate Limit. Hospitals that qualify for DSH payment adjustments under this Section shall not be eligible for DSH payment adjustments if the hospital's Medicaid inpatient utilization rate, as defined in subsection (k)(4)(5) below, is less than one percent.

6) Inpatient Payment Adjustment Definitions. The definitions of terms

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used with reference to calculation of the inpatient payment adjustments are as follows:

- 1) "Base fiscal year" means, for example, the hospital's fiscal year ending in 1991 for the October 1, 1993 DSH determination year, the hospital's fiscal year ending in 1992 for the October 1, 1994, DSH determination year, etc.
- 2) "DSH determination year" means the 12 month period beginning on October 1 of the year and ending September 30 of the following year.
- 3) "Mean Medicaid inpatient utilization rate" means a fraction, the numerator of which is the total number of inpatient days provided in a given 12-month period by all Medicaid-participating Illinois hospitals to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 U.S.C. Sec. 1396a et seq.), and the denominator of which is the total number of inpatient days provided by those same hospitals. Title XIX specifically excludes days of care provided to Family and Children Assistance (formerly known as General Assistance) and Aid to the Medically Indigent (AMI) days but does include the types of days described in subsection (c)(3) of this Section. In this paragraph, the term "inpatient day" includes each day in which an individual (including a newborn) is an inpatient in the hospital whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.
- 4) "Mean Medicaid obstetrical inpatient utilization rate" means a fraction, the numerator of which is the total Medicaid (Title XIX) obstetrical inpatient days, as defined in subsection (k)(4)(7) below, provided by all Medicaid-participating Illinois hospitals providing obstetrical services to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 U.S.C. Sec. 1396a et seq.), and the denominator of which is the total Medicaid (Title XIX) inpatient days, as defined in subsection (k)(4)(9) below, for all such hospitals. That information shall be derived from claims for applicable services provided in the Medicaid obstetrical inpatient utilization rate base year which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base.
- 5) "Medicaid inpatient utilization rate" means a fraction, the numerator of which is the number of a hospital's inpatient days provided in a given 12-month period to patients who, for such days, were eligible for Medicaid under Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396a et seq.) and the denominator of which is the total number of the hospital's inpatient days in that same period. Title XIX specifically excludes days of care provided to Family and Children Assistance

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(formerly known as General Assistance) and Aid to the Medically Indigent (AMI) days but does include the types of days described in subsection (c)(3) of this Section. In this paragraph, the term "inpatient day" includes each day in which an individual (including a newborn) is an inpatient in the hospital whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

- 6) "Medicaid obstetrical inpatient utilization rate" means a fraction, the numerator of which is the Medicaid (Title XIX) obstetrical inpatient days, as defined in subsection (k)(4)(7) below, provided by a Medicaid-participating Illinois hospital providing obstetrical services to patients who, for such days, were eligible for Medicaid under Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396a et seq.), and the denominator of which is the total Medicaid (Title XIX) inpatient days, as defined in subsection (k)(4)(9) below provided by such hospital. This information shall be derived from claims for applicable services provided in the Medicaid obstetrical inpatient utilization rate base year which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base.
- 7) "Medicaid (Title XIX) obstetrical inpatient days" means hospital inpatient days which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; or V27 through V27.9; or V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied by a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.
- 8) "Statewide average hospital payment rate" means the hospital's alternative reimbursement rate, as defined in Section 148.270(a).
- 9) "Total Medicaid (Title XIX) inpatient days", as referred to in subsections (k)(4)(4) and (k)(4)(6) above, means hospital inpatient days, excluding days for normal newborns, which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, and specifically excludes Medicare/Medicaid crossover claims.
- 10) "Medicaid obstetrical inpatient utilization rate base year" means, for example, state fiscal year 1992 for the October 1,

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1993, DSH determination year: state fiscal year 1993 for the October 1, 1994, DSH determination year, etc.

Source: Emergency amendment at 19 Ill. Reg. **10752**, effective July 1, 1995, for a maximum of 150 days

Section 148.140 Hospital Outpatient and Clinic Services**EMERGENCY**

a) Fee-For-Service Reimbursement

1) Reimbursement for hospital outpatient hospital-based and clinic services shall be made on a fee for service basis, except for:

A) Those services that meet the definition of the Hospital Ambulatory Care Program as described in subsection (b) of this Section, which shall be reimbursed in accordance with subsections (b)(4) and (b)(6) of this Section, and adjusted in accordance with subsection (b)(8) of this Section;

B) ESRDT services, as described in subsection (c) of this Section, which shall be reimbursed in accordance with subsection (c) of this Section, and adjusted in accordance with subsection (c)(5) of this Section; and

C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), which shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b).

2) Fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.

3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) above shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in subsection (a)(2) above shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

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- 4) Healthy Moms/Healthy Kids rates, as described in 89 Ill. Adm. Code 140 Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C) and Section 148.25(b)(5)(C). Healthy Moms/Healthy Kids rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned Healthy Moms/Healthy Kids program clients, as described in 89 Ill. Adm. Code 140.464(b)(1). 5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.

c) Hospital Ambulatory Care Program

Effective April 1, 1986, the Department liberalized the list of allowable ambulatory procedures to add many surgical, diagnostic and highly technical treatment procedures that can be performed and reimbursed on an ambulatory basis.

1) Hospital Ambulatory Care Groupings

Under the Hospital Ambulatory Care Program, a Hospital Ambulatory Care List was developed that defines those technical procedures that require the use of the hospital outpatient or hospital-based clinic setting, its technical staff and/or equipment. These procedures were separated into four separate groupings based upon the complexity and historical costs of the procedures. The four separate groupings are as follows:

- A) Group I procedures are high level technology surgeries that consume many hospital resources and are costly to deliver.
 B) Group II procedures are certain nonsurgical, very high level technology services recognized and approved by the Department as safe outpatient procedures.
 C) Group III procedures are other surgical, specialized cardiac and diagnostic procedures.
 D) Group IV procedures are specialized treatment procedures, observation services, high risk, and emergency room services.
- 2) Hospital Ambulatory Care List Updating
 The Hospital Ambulatory Care List is updated periodically. As technology changes, so do the procedures that fall into the four categories. In addition, annual changes in the ICD-9-CM procedure codes and their meanings necessitate annual changes to the Hospital Ambulatory Care List.
- 3) Hospital Ambulatory Care Reimbursement Prior to July 1, 1995

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Reimbursement for Hospital Ambulatory Care procedures was initially developed in 1986. For each of the four separate groupings identified in subsection (b)(1) above, a set rate maximum has been developed based upon the complexity of the procedures, historical costs, and teaching status of the hospital, the type of hospital, and the setting in which the procedure would most likely be performed (i.e., outpatient department, general clinic department, psychiatric clinic department, or rehabilitation clinic department). These set rate maximums have been periodically adjusted since 1986 based upon the above factors. Reimbursement for Hospital Ambulatory Care procedures performed prior to July 1, 1995, shall be reimbursed in accordance with the statutes and administrative rules governing the time period when the services were rendered.

- 4) Hospital Ambulatory Care Reimbursement Effective July 1, 1995
- Care procedures shall be as follows:

A) With respect to Group I procedures described in subsection (b)(1)(A) above, reimbursement shall be at the lesser of charges or the hospital's alternate reimbursement rate equivalent to the rate, as defined in Section 148.270(a), of a one-day inpatient stay.

B) With respect to Group II procedures described in subsection (b)(1)(B) above, reimbursement shall be at the lesser of charges or one of two separate rate maximums depending upon whether the hospital is classified as:

- i) A hospital defined in Section 148.25(b)(2)(A) through (b)(2)(C) which is a major teaching hospital as defined in Section 148.25(d); or a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3); or

ii) A hospital defined in Section 148.25(b).

C) With respect to the Group III procedures described in subsection (b)(1)(C) above, reimbursement shall be at the lesser of charges or one of two separate rate maximums depending upon whether the hospital is classified as:

- i) A hospital defined in Section 148.25(b)(2)(A) through (b)(2)(C) which is a major teaching hospital, as defined in Section 148.25(d); or a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3); or

ii) A hospital defined in Section 148.25(b).

D) With respect to the Group IV procedures described in subsection (b)(1)(D) above, reimbursement shall be at the lesser of charges or one of six separate rate maximums depending upon whether the hospital is classified as:

- i) A hospital defined in Section 148.25(b)(2)(A) through (b)(2)(C) which is a major teaching hospital, as

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defined in Section 148.25(d); or a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3); or

- ii) A hospital defined in Section 148.25(b); and
- iii) Whether the service is provided in the outpatient, general clinic, psychiatric clinic, or rehabilitation clinic department.

3) County Facility Outpatient Adjustment

A) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county with a population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:

- i) For the rate year July 1, 1995, through June 30, 1996, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated rate year hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.

ii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.

B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:

- i) "Base Year" means the most recently completed State fiscal year.

ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.

iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming rate year.

iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.

6) 5+ No Year-End Reconciliation

With the exception of the retrospective rate adjustment described in subsection (b)(7) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under subsection (b).

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2167 Rate Adjustments

With respect to those hospitals described in Sections 148.25(b)(2)(A), the reimbursement rates described in subsection (b)(4) above shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in subsection (b)(4) above shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

2167 Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

2167 Hospitals described in Sections 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close after the facility's fiscal year.

C) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:

1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.

2) For outpatient services or home dialysis treatments provided pursuant to Sections 148.40(c)(2) or 148.40(c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 405.2130 (1994).

3) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to Sections 148.40(c)(2) or 148.40(c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481,

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respectively.

4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.

5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

6) With the exception of the retrospective rate adjustment described in subsection (c)(5) above, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).

7) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

D) Non Hospital Based Clinic Reimbursement

1) County-Operated Outpatient Facility Reimbursement
Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as Healthy Moms/Healthy Kids Managed Care clinics, as described in 89 Ill. Adm. Code 140.46(f), shall be on an all-inclusive per encounter rate basis as follows:

A) Base Rate. The per encounter rate shall be calculated as follows:

i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.

ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) above, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.

iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) above, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) above to determine the per encounter base rate.

iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) above, shall be the per encounter base rate.

B) Supplemental Rate

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- i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.
- ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.
- iii) The quotient derived in subsection (d)(1)(B)(i) above, shall be added to the product derived in subsection (d)(1)(B)(ii) above, to determine the per encounter supplemental rate.
- iv) The resulting sum, as described in subsection (d)(1)(B)(iii) above, shall be the per encounter supplemental rate.

c) Final Rate

- i) The per encounter base rate, as described in subsection (d)(1)(A)(iv), shall be added to the per encounter supplemental rate, as described in (d)(1)(B)(iv), to determine the per encounter final rate.
- ii) The resulting sum, as determined in subsection (d)(1)(C)(i) above, shall be the per encounter final rate.
- iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) above, shall be adjusted in accordance with subsection (d)(2)(A) below.

2) Rate Adjustments

In the case of encounter rate hospitals described in Sections 148.25(b)(2)(A), 148.25(b)(2)(B), and 148.25(b)(2)(D), rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) above, shall be calculated as follows:

- A) The reimbursement rates described in subsections (d)(1)(A) and (d)(1)(C) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).

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- 4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

(Source: Emergency amendment at 19 Ill. Reg. **10752**, effective July 1, 1995, for a maximum of 150 days)

Section 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
EMERGENCY

- a) Reimbursement Methodology
In accordance with 89 Ill. Adm. Code 149.50(c)(8), county-owned hospitals in an Illinois county with a population greater than three million are excluded from the DRG PPS and are reimbursed in accordance with this Section.
- b) Base Year Costs
 - 1) The hospitals' base year operating costs shall be contained in the hospitals' audited cost reports (see 42 CFR 447.260 and 447.265 (1982)) for hospital fiscal years ending between 20 and 31 months prior to the fiscal year for which rates are being set.
 - 2) The hospitals' base year capital related costs shall be derived from the same audited cost reports used for operating costs in subsection (b)(1) above.
 - 3) The hospitals' base year direct medical education costs shall be derived from the same audited cost reports used for operating costs in subsection (b)(1) above.
 - 4) The base year cost per diem shall be the sum of the operating cost per diem, capital related cost per diem and medical education cost per diem defined in subsections (b)(1) through (b)(3).
 - 5) New hospitals, for which a base year cost report is not on file, will be reimbursed the per diem rate calculated in subsection b)(4) above and inflated in subsection (d)(1) below.
- c) Restructuring Adjustment
Adjustments to the base year cost per diem, as described in subsection (b)(4) above, will be made to reflect restructuring since filing the base year cost reports. The restructuring must have been mandated to meet state, federal or local health and safety standards. The allowable Medicare/Medicaid costs (see 42 CFR Part 405, Subpart D, 1982) must be incurred as a result of mandated restructuring and identified from the most recent audited cost reports available before

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or during the rate year. The restructuring costs must be significant, i.e., on a per unit basis; they must constitute one percent or more of the total allowable Medicare/Medicaid unit costs for the same time period. The Department will use the most recent available audited cost reports to determine restructuring costs. If audited cost reports become available during the rate year, the reimbursement rate will be recalculated at that time to reflect restructuring cost adjustments. For audited reports received at the Office of Health Finance, Illinois Department of Public Aid, between the first and fifteenth of the month, the effective date of the recalculated rate will be the first day of the following month. For audited reports received at the Finance Section between the sixteenth and last day of the month, the effective date will be the first day of the second month following the month the reports are received. Allowable restructuring costs are adjusted to account for inflation from the midpoint of the restructuring cost reporting year to the midpoint of the base year according to the index and methodology of Data Resources, Inc. (DRI), national hospital market basket price proxies, and added to the base year cost per diem, as described in subsection (b)(4), which is subject to the inflation adjustment described in subsection (d) below.

d) Inflation Adjustment For Base Year Cost Report Inflator

- 1) The base year cost per diem, as defined in subsection (b)(4) above, shall be inflated from the midpoint of the hospitals' base year to the midpoint of the time period for which rates are being set (rate period) according to the historical rate of annual cost increases. The historical rate of annual cost increases shall be calculated by dividing the operating cost per diem as defined in subsection (b)(1) above by the previous year's operating cost per diem.
- 2) Effective October 1, 1992, the final reimbursement rate shall be no less than the reimbursement rate in effect on June 1, 1992; except that this minimum shall be adjusted each July 1 thereafter by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost reports.

e) Review Procedure

The review procedure shall be in accordance with Section 148.310.

f) Applicable Inpatient Adjustments for DSH-Hospitals

- 1) The criteria and methodology for making applicable adjustments to DSH hospitals which are exempt from the DRG PPS, as described in subsection (a) above, shall be in accordance with Section 148.120.

- 2) The criteria and methodology for making applicable Medicaid Percentage Adjustments to hospitals which are exempt from the DRG PPS as described in 89 Ill. Adm. Code 149.50(c)(8), is described below.

A) The payment adjustment shall be \$150 plus \$2 for each one percent that the hospital's Medicaid inpatient utilization

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rate as described in Section 148.120(k)(5), exceeds 1.5 standard deviations above the mean Medicaid inpatient utilization rate as defined in Section 148.120(k)(3) multiplied by 3.75. This payment adjustment is based on a rate year 1993 base rate and shall be trended forward to the current rate year for inflationary increases.

3) The amount calculated pursuant to subsection (f)(2)(A) above shall be adjusted on October 1, 1995, and annually thereafter, by a percentage equal to the lesser of:

- 1) The increase in the national hospital market basket price proxies (DRI) hospital cost index for the most recent 12 month period for which data are available;

or

- 2) The percentage increase in the statewide average hospital payment rate, as described in Section 148.120(k)(8) over the previous year's statewide average hospital payment rate.

- 3) The amount calculated pursuant to subsections (f)(2)(A) through (f)(2)(B) above shall be no less than the rate calculated in accordance with Section 148.120(g)(2) in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent Medicaid cost reports. The per diem cost of inpatient hospital services is calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

The amount calculated pursuant to subsection (f)(2) above shall be the Medicaid percentage adjustment which shall be paid on a per diem basis and shall be applied to each covered day of care provided.

3) Critical Inpatient Adjustment.

A) Effective July 1, 1995, hospitals reimbursed under this Section shall be eligible to receive a critical inpatient adjustment. The methodology used to determine the add-on payment amount is as follows:

- 1) For the rate year July 1, 1995, through June 30, 1996, hospitals under this Section shall receive \$15,500 per Medicaid inpatient admission in the base period.

- 2) The payments made under this subsection shall be made on a quarterly basis.

B) Critical Inpatient Adjustment Definitions.

- 1) "Base Period" means State fiscal year 1994 for critical inpatient adjustments calculated and paid during State fiscal year 1996.

- 2) "Medicaid Inpatient Admission" means hospital inpatient admissions, which were subsequently adjudicated by the Department through the last day of

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June preceding the rate year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns and Medicare/Medicaid crossover days.

- 1) Hospitals in addition to the BSH payment adjustment described in Section 148.120--hospitals reimbursed under this Section shall receive supplemental inpatient BSH payments. Effective with admissions on or after July 1, 1995, October---17---1997 supplemental inpatient BSH payments for hospitals reimbursed under this Section shall be calculated by multiplying the sum of the base year cost per diem, as described in subsection (b)(4) above, as adjusted for restructuring, as described in subsection (c) above, and as adjusted for inflation, as described in subsection (d) above, and the calculated Medicaid percentage disproportionate--share per diem payment adjustment as described in subsection (f)(2) above Section--148.120, by the hospitals' percentage of changes which are not reimbursed by a third party payer for the period of August 1, 1991, through July 31, 1992. Effective July 1, 1995, October---17---1997, the supplemental inpatient BSH payments calculated under this subsection shall be no less than the supplemental inpatient BSH rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992, and on the first day of July of each year thereafter, by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services is calculated by dividing the total allowable Medicaid cost by the total allowable Medicaid days. The supplemental inpatient BSH payment adjustment shall be paid on a per diem basis and shall be applied to each covered day of care provided.

- g) Outlier Adjustments
Inpatient adjustments to payment amounts for medically necessary inpatient hospital services involving exceptionally high costs for certain individuals shall be made in accordance with Section 148.130.
- h) Trauma Center Adjustments. Trauma center adjustments shall be made in accordance with Section 148.290(c).
- i) Reductions to Total Payments
1) Copayments. Copayments are assessed under all medical programs administered by the Department except the Family and Children Assistance Program, formerly known as the General Assistance Program, and shall be assessed in accordance with Section 148.190.
2) Third Party Payments. The requirements of Section 148.290(f)(2) shall apply.
- j) Prepayment and Utilization Review
Prepayment and utilization review requirements shall be in accordance

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- x) Cost Reporting Requirements
Cost reporting requirements shall be in accordance with Section 148.210.
- y) Rate-Period
The rate period for hospitals-reimbursed-under-this-Section--shall--be--the--12--month--period--beginning--on--October--1--of--the--year--and--ending--September--30--of--the--following--year.

(Source: Emergency amendment at 19 Ill. Reg. **10752**, effective July 1, 1995, for a maximum of 150 days)

Section 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act

EMERGENCY

- a) In accordance with 89 Ill. Adm. Code 149.50(c)(8), a hospital organized under the University of Illinois Hospital Act shall be excluded from the DRG PPS and shall be reimbursed in accordance with this Section.
- c) Base Year Costs
1) Each hospital's base year cost per diem shall be derived from an audited cost report (see 42 CFR 447.260 and 447.265 (1982)) for hospitals' fiscal year 1992.
2) For new hospitals for which a base year cost report is not on file, the Department will use a more recent filed cost report or, if no cost report is on file, the hospital's estimate of costs, adjusted as necessary according to experience with hospitals of similar size, location and service intensity. The Department will recalculate any reimbursement rate based on a rate estimated as soon as a cost report becomes available. The recalculated rate will be effective for the entire fiscal year and the Department will retroactively adjust payments if reported costs are not consistent with the estimate on which the payments are based.
- c) Restructuring Adjustment
Adjustments to base year costs will be made to reflect restructuring since filing the base year cost report. The restructuring must have been mandated to meet state, federal or local health and safety standards. The allowable Medicare/Medicaid costs (see 42 CFR Part 405, Subpart D, 1982) must be incurred as a result of mandated restructuring and identified from the most recent audited cost report available before or during the rate year. The restructuring costs must be significant, i.e., on a per unit basis; they must constitute one percent or more of the total allowable Medicare/Medicaid unit costs for the same time period. The Department will use the most recent available audited cost report to determine restructuring costs. If an audited cost report becomes available during the rate year, the

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reimbursement rate will be recalculated at that time to reflect restructuring cost adjustments. For audited reports received at the Finance Section, Illinois Department of Public Aid, between the first and fifteenth of the month, the effective date of the recalculated rate will be the first day of the following month. For audited reports received at the Office of Health Finance between the sixteenth and last day of the month, the effective date will be the first day of the second month following the month the report is received. Allowable restructuring costs are adjusted to account for inflation from the midpoint of the restructuring cost reporting year to the midpoint of the base year according to the index and methodology of Data Resources, Inc. (DRI), national hospital market basket price proxies and added to the base year costs.

j) Inflation Adjustment For Base Year Cost Report Inflator

Base year costs, including any adjustments for mandated restructuring, will be updated from the midpoint of each hospital's base year to the midpoint of the fiscal year for which rates are being set according to the hospital's historical rate of annual cost increases.

k) Review Procedure

The review procedure shall be in accordance with Section 148.310.

l) Applicable adjustments for DSH Hospitals

1) The criteria and methodology for making applicable adjustments to DSH hospitals which are exempt from the DRG PPS as described in subsection (a) above, shall be in accordance with Section 148.120.

2) Effective October 1, 1993, in addition to the DSH payment adjustments described in Section 148.120, hospitals reimbursed under this Section shall have supplemental DSH payments effective with admissions on or after October 1, 1993, supplemental DSH payments for hospitals reimbursed under this Section shall be calculated by multiplying the sum of the hospital's base year costs, as described in subsection (b) above, as adjusted for restructuring, as described in subsection (c) above, and as adjusted for inflation, as described in subsection (d) above, and the calculated disproportionate share per diem payment adjustment as described in Section 148.120 by the hospital's percentage of charges which are not reimbursed by a third party payer for the period of August 1, 1991, through July 31, 1992. The resulting product shall be multiplied by 4.50 and this amount shall be the supplemental DSH payment adjustment which shall be paid on a per diem basis and shall be applied to each covered day of care provided.

g) Outlier Adjustments

Outlier adjustments to payment amounts for medically necessary inpatient hospital services involving exceptionally high costs for certain individuals shall be made in accordance with Section 148.130.

h) Reductions to Total Payments

1) Copayments. Copayments are assessed under all medical programs

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administered by the Department except the Children and Family Assistance Program, formerly known as the General Assistance Program, and shall be assessed in accordance with Section 148.190.

2) Third Party Payments. The requirements of Section 148.290(f)(2) shall apply.

i) Prepayment and Utilization Review

Prepayment and utilization review requirements shall be in accordance with Section 148.240.

j) Cost Reporting Requirements

Cost reporting requirements shall be in accordance with Section 148.210.

k) Rate Period

The rate period for hospitals reimbursed under this Section shall be the 12 month period beginning on October 1 of the year and ending September 30 of the following year, except for the period of July 1, 1995, through September 30, 1995.

Source: Emergency amendment at 19 Ill. Reg. **10752**, effective July 1, 1995, for a maximum of 150 days)

Section 148.295 Critical Hospital Adjustment Payments (CHAP) EMERGENCY

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25 (b)(1)(A), and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25 (b)(1)(B), for inpatient admissions occurring on or after July 1, 1995, in accordance with this Section.

a) Trauma Center Adjustments (TCA)

The Department shall make a trauma center adjustment (TCA) to Illinois hospitals recognized, as of the last day of June preceding the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health, in accordance with the provisions of subsections (a)(1) through (a)(3) below.

1) Level I Trauma Center Adjustment (TCA).

A) Criteria. Illinois hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.

B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) above shall receive an adjustment as follows:

1) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under (a)(1)(A) above, shall receive an adjustment of \$19,200.00 per Medicaid trauma admission in the CHAP base period.

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ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under (a)(1)(A) above, shall receive an adjustment of \$12,000.00 per Medicaid trauma admission in the CHAP base period.

2) Level II Rural Trauma Center Adjustment (TCA). Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the last day of June preceding the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$9,400.00 per Medicaid trauma admission in the CHAP base period.

3) Level II Urban Trauma Center Adjustment (TCA). Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the last day of June preceding the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$9,400.00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:

A) The hospital is located in a county with no Level I trauma center; and

3) The hospital is located in a Health Manpower Shortage Area (HMSA) (42 CFR 5, 1989), as of the last day of June preceding the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3)(A) above; or the hospital is not located in a HMSA (42 CFR 5, 1989) and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3)(A) above.

b) Rehabilitation Hospital Adjustment (RHA)

Illinois hospitals that, on the last day of June preceding the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2) and are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:

i) Treatment Component. All hospitals defined in 89 Ill. Adm. Code 149.50(c)(2) shall receive \$3,800.00 per Medicaid Level I rehabilitation admission in the CHAP base period.

2) Facility Component. All hospitals defined in 89 Ill. Adm. Code 149.50(c)(2) shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:

A) Hospitals with fewer than 100 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$100,000.00 in the CHAP rate period.

B) Hospitals with 100 or more Medicaid Level I rehabilitation

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admissions in the CHAP base period shall receive a facility component of \$400,000.00 in the CHAP rate period.

3) Health Manpower Shortage Area Adjustment Component. Hospitals defined in 89 Ill. Adm. Code 149.50(c)(2), that are located in a Health Manpower Shortage Area (HMSA) (42 CFR 5, 1989) as of the last day of June preceding the CHAP rate period, shall receive \$300.00 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.

c) Direct Hospital Adjustment (DHA) Criteria

To qualify for the DHA under this subsection (c), hospitals must meet one of the following criteria:

i) Be a hospital located outside of Health Service Area (HSA) six which has a Medicaid inpatient utilization rate on the last day of June preceding the CHAP rate period, as defined in Section 148.120(k)(5), greater than 60 percent and has an average length of stay of less than ten days.

2) Be a hospital located in HSA six, excluding psychiatric and rehabilitation hospitals as defined in 89 Ill. Adm. Code 149.50(c)(1) and (c)(2), that meets one of the following criteria:

A) Is a hospital whose sum of the critical weighting factors is greater than one standard deviation above the mean of the summed critical weighting factors for all hospitals located within the same planning area. The critical weighting factor is determined as follows:

i) Hospitals that, on the last day of June preceding the CHAP rate period, are designated as a Level III, II, or I Perinatal Center by the Illinois Department of Public Health shall receive a critical weighting factor of 10, 7.5, or 5 respectively depending on the hospital's perinatal level designation.

ii) Hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I or II Trauma Center by the Illinois Department of Public Health shall receive a critical weighting factor of ten or five respectively depending on the hospital's trauma level designation.

iii) Hospitals that, on the last day of June preceding the CHAP rate period, are eligible for disproportionate share payments as described in Section 148.120(g)(1) or (g)(2) shall receive a critical weighting factor of five.

iv) Hospitals that have an occupancy ratio, as determined by the Illinois Department of Public Health (IDPH), based upon the most current IDPH published report entitled "Bed Count, Average Length of Stay, Average Daily Census and Percent Occupancy for Non-Federal Hospitals in Illinois", which is available to the

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Illinois Department of Public Aid on the last day of June preceding the CHAP rate period, which is equal to or greater than the mean occupancy ratio for all hospitals in the planning area shall receive a critical weighting factor of five.

- v) Hospitals which have Medicaid obstetrical care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area shall receive a critical weighting factor of ten. Hospitals whose Medicaid obstetrical care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area shall receive a critical weighting factor of five.

- vi) Hospitals that on the last day of June preceding the CHAP rate period have a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5) which is equal to or greater than one-half a standard deviation above the statewide mean Medicaid inpatient utilization rate, as defined in Section 148.120(k)(3), shall receive a critical weighting factor of ten. If the hospital's Medicaid inpatient utilization rate is greater than the statewide mean but less than one-half a standard deviation above the statewide mean Medicaid inpatient utilization rate, the hospital shall receive a critical weighting factor of five.

- vii) Hospitals which have Medicaid general care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid general care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid general care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid general care admissions in their planning area, the hospital shall receive a critical weighting factor of five.

- viii) Hospitals which have a cost per day at 80 percent occupancy that is less than or equal to one-half a standard deviation below the mean cost per day at 80 percent occupancy in their planning area shall receive a critical weighting factor of ten. If the hospital's cost per day at 80 percent occupancy is greater than one-half a standard deviation below the mean cost per day at 80 percent occupancy but less than the mean cost per day at 80 percent occupancy in their planning area, the hospital shall receive a

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- 3) Is a major teaching hospital with 40 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

- 2) Is a hospital with 3,500 or more Medicaid general care admissions in the CHAP base period.

- 3) Be a hospital qualifying under subsection (c)(2) above that has Medicaid obstetrical care admissions in the CHAP base period which are equal to or greater than 2,500.

- 4) Be a hospital qualifying under subsection (c)(2) above that on the last day of June preceding the CHAP rate period, is designated as a Level III or II Perinatal Center by the Illinois Department of Public Health, and that has a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), which is greater than one-half a standard deviation above the statewide mean Medicaid inpatient utilization rate, as defined in Section 148.120(k)(3), and that has at least one obstetrical graduate medical education program accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

- 5) Be a children's hospital, which means a hospital devoted exclusively to caring for children. A hospital which includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality shall be considered a children's hospital to the degree that the hospital's Medicaid care is provided to children.

d) DHA Adjustment

Calculation of the DHA is as follows:

- 1) Hospitals qualifying under subsection (c)(1) above shall receive an DHA of \$60.00 per Medicaid inpatient day in the CHAP base period.

- 2) Hospitals qualifying under subsection (c)(2) or (c)(5) above shall receive an DHA of \$30.00 per Medicaid inpatient day in the CHAP base period.

- 3) Hospitals qualifying under subsection (c)(5) above which have a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, that is greater than 85 percent shall receive an additional \$20.00 per Medicaid inpatient day in the CHAP base period.

- 4) Hospitals qualifying under subsection (c)(2)(B) above shall receive an additional \$10.00 per Medicaid inpatient day in the CHAP base period.

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- 5) Hospitals qualifying under subsection (c)(3) or (c)(4) above shall receive an additional \$120.00 per Medicaid inpatient day in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is equal to or greater than 50 percent; or \$65.00 per Medicaid inpatient day in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is less than 50 percent.
- 6) Each eligible hospital's critical hospital adjustment payment for the CHAP rate period shall equal the sum of the amounts described in subsections (a), (b), and (d) above. The critical hospital adjustment payments shall be paid to eligible hospitals on a quarterly basis.
- 7) Critical Hospital Adjustment Limitations
- 8) Hospitals that qualify for trauma center adjustments under subsection (a) shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) above, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) above. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.
- 9) Critical Hospital Adjustment Payment Definitions
- 10) The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:
- 1) "CHAP base period" means State Fiscal Year 1994 for CHAP payments calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP payments calculated for the July 1, 1996, CHAP rate period; etc.
- 2) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.
- 3) "Cost Per Day at 80 Percent Occupancy" means the estimated inpatient cost per day had the hospital been operating at an 80 percent occupancy rate.
- 4) "Medicaid General Care Admission" means hospital inpatient admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.
- 5) "Medicaid Inpatient Day" means hospital inpatient days which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical

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- assistance under Title XIX of the Social Security Act, excluding days for normal newborns and Medicare/Medicaid crossover days.
- 6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an occurrence code of 63 when applicable and an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.3 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.25, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 855.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.26, 952.2, and V57.0 through V57.99, excluding admissions for normal newborns.
- 7) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (e)(6) above.
- 8) "Medicaid obstetrical care admission" means hospital inpatient admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; or V27 through V27.9; or V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.
- 9) "Medicaid trauma admission" means those claims billed as admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.3, 839.7 through 839.9, 950.0 through 950.9, 951.0 through 951.99, 952.0 through 952.99, 953.0 through 953.19, 954.0 through 954.19, 954.2 through 954.19, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99. For those hospitals recognized

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As Level I trauma centers solely for pediatric trauma cases, Medicaid trauma admissions are only calculated for the claims called as admissions, excluding admissions for normal newborns, which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with ICD-9-CM diagnoses within the above ranges for children under the age of 8 excluding admissions for normal newborns.

1) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.

Source: Emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days)

Section 148.310 Review Procedure
EMERGENCY

3.3 Inpatient Rate Reviews

Hospitals shall be notified of their inpatient rate for the rate year and shall have an opportunity to request a review of the rate for errors in calculation. Such a request must be received in writing by the Department within 30 days after the date of the Department's notice to the hospital of their rates. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

2) Hospitals reimbursed in accordance with Sections 148.250 through 148.300 and 89 Ill. Adm. Code 149 with respect to per diem add-ons for capital may request that an adjustment be made to their base year costs to reflect significant changes in costs which have been mandated in order to meet State, federal or local health and safety standards, and which have occurred since the hospital's filing of the base year cost report. The allowable Medicare/Medicaid costs must be identified from the most recent audited cost report available. These costs must be significant, i.e., on a per unit basis, they must constitute one percent or more of the total allowable Medicaid/Medicare unit costs for the same time period. Appeals for base year cost adjustments must be received, in writing, by the Department within 30 days after the date of the Department's notice to the hospital of their rates. Such request shall include a clear explanation of the cost change and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

b) DSH Determination Reviews

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1) Hospitals shall be notified of their qualification for DSH payment adjustments and shall have an opportunity to request a review of the DSH add-on for errors in calculation. Such a request must be received in writing by the Department within 30 days after the date of the Department's notice to the hospital of its disproportionate share qualification and add-on calculations. Such request shall include a clear explanation of the error and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

2) DSH determination reviews shall be limited to the following:

A) DSH Determination Criteria. The criteria for DSH determination shall be in accordance with Section 148.120. Review shall be limited to verification that the Department utilized criteria in accordance with State regulations.

3) Medicaid Inpatient Utilization Rates. Medicaid inpatient utilization rates shall be calculated pursuant to Section 1923 of the Social Security Act and as defined in Section 148.120(k)(4)-(5). Review shall be limited to verification that Medicaid inpatient utilization rates were calculated in accordance with federal and State regulations.

c) Low Income Utilization Rates. Low Income utilization rates shall be calculated in accordance with Section 1923 of the Social Security Act and Section 148.120(a)(2) and (d). Review shall be limited to verification that low income utilization rates were calculated in accordance with federal and State regulations.

D) Federally Designated Health Manpower Shortage Areas (HMSAs). Illinois hospitals located in federally designated HMSAs shall be identified in accordance with 42 CFR 5. (1989), and Section 148.120(a)(3) based upon the methodologies utilized by, and the most current information available to the Department from the Department of Health and Human Services as of June 30, 1992. Review shall be limited to hospitals in locations that have failed to obtain designation as federally designated HMSAs only when such a request for review is accompanied by documentation from the Department of Health and Human Services substantiating that the hospital was located in a federally designated HMSA as of June 30, 1992.

E) Excess Beds. Excess bed information shall be determined in accordance with Public Act 88-268 Code Section 148.120(a)(3) and 77 Ill. Adm. Code 1100) based upon the methodologies utilized by, and the most current information available to, the Illinois Health Facilities Planning Board as of July 1, 1991. Reviews shall be limited to requests accompanied by documentation from the Illinois Health Facilities Planning Board substantiating that the information supplied to and

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utilized by the Department was incorrect.

- 2) Medicaid Obstetrical Inpatient Utilization Rates. Medicaid obstetrical inpatient utilization rates shall be calculated in accordance with Section 148.120(a)(4), (k)(1)-(4), (k)(1)-(6) and (k)(1)-(7). Review shall be limited to verification that Medicaid obstetrical inpatient utilization rates were calculated in accordance with State regulations.

c) Outlier Adjustment Reviews

The Department shall make outlier adjustments to payment amounts in accordance with 89 Ill. Adm. Code 149.105 or Section 148.130, whichever is applicable. Hospitals shall be notified of the specific information which shall be utilized in the determination of those services qualified for an outlier adjustment and shall have an opportunity to request a review of such specific information for errors in calculation only. Such a request must be received in writing by the Department within 30 days after the date of the Department's notice to the hospital of the specific information which shall be utilized in the determination of those services qualified for an outlier adjustment. Such request shall include a clear explanation of the error and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

3) Cost Report Reviews

a) Cost reports are required from:

- A) All enrolled hospitals within the State of Illinois;
- B) All out-of-state hospitals providing 100 inpatient days of service per hospital fiscal year, to persons covered by the Illinois Medical Assistance Program; and
- C) All hospitals not located in Illinois that elect to be reimbursed under the methodology described in 89 Ill. Adm. Code 149 (the DRG PPS).

2) The completed cost statement with a copy of the hospital's Medicare cost report and audited financial statement must be submitted annually within 90 days of the close of the hospital's fiscal year. A one-time 30-day extension may be requested. Such a request for an extension shall be in writing and shall be received by the Department's Office of Health Finance prior to the end of the 90-day filing period. The Office of Health Finance shall audit the information shown on the Hospital Statement of Reimbursable Cost and Support Schedules. The audit shall be made in accordance with generally accepted auditing standards and shall include tests of the accounting and statistical records and applicable auditing procedures. Hospitals shall be notified of the results of the final audited cost report which may contain adjustments and revisions which may have resulted from the audited Medicare Cost Report. Hospitals shall have the opportunity to request a review of the final audited cost report. Such a request must be received in writing

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by the Department within 45 days after the date of the Department's notice to the hospital of the results of the finalized audit. Such request shall include all items of documentation and analysis which support the request for review. No additional data shall be accepted after the 45 day period. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

e) Trauma Center Adjustment Reviews

1) The Department shall make trauma care adjustments in accordance with Section 148.290(c). Hospitals shall have the right to appeal the trauma center adjustment calculations if it is believed that a technical error has been made in the calculation. 2) Trauma level designation is obtained from the Illinois Department of Public Health as of the first day of July preceding the trauma center adjustment rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, or the licensing agency in the state in which the hospital is located, substantiating that the information supplied to and utilized by the Department was incorrect.

3) Appeals under this subsection (e) must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for trauma center adjustments and payment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

f) Medicaid High Volume Adjustment Reviews

The Department shall make Medicaid high volume adjustments in accordance with Section 148.290(d). Review shall be limited to verification that the Medicaid inpatient days were calculated in accordance with State regulations. The appeal must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for Medicaid high volume adjustments and payment adjustment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

g) Sole Community Hospital Designation Reviews

The Department shall make sole community hospital designations in accordance with 89 Ill. Adm. Code 149.125(b). Hospitals shall have the right to appeal the designation if it believes that a technical error has been made in the determination. The appeal must be made in writing and must be received within 30 days after notification of the designation. Such a request shall include a clear explanation of the

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reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.

a) Geographic Designation Reviews

- 1) The Department shall make rural hospital designation in accordance with Section 148.25(g)(3). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be in writing and must be received within 30 days after notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.
- 2) The Department shall make urban hospital designations in accordance with Section 148.25(g)(4). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be in writing and must be received 30 days after notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.

b) Critical Hospital Adjustment Payment (CHAP) Reviews

- 1) The Department shall make CHAPs in accordance with Section 148.295. Hospitals shall have the right to appeal the CHAP calculation or their ineligibility for the CHAP if it is believed that a technical error has been made in the calculation. The appeal must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for CHAP and payment adjustment amounts, or a letter of notification that the hospital does not qualify for the CHAP. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

- 2) CHAP determination reviews shall be limited to the following:

- A) Federally Designated Health Manpower Shortage Areas (HMSAs). Illinois hospitals located in federally designated HMSAs shall be identified in accordance with 42 CFR 5, 1989, and Section 148.295(a)(3)(B) and (b)(3) based upon the methodologies utilized by, and the most current information available to, the Department from the Department of Health and Human Services as of the last day of June preceding the CHAP rate period. Review shall be limited to hospitals in

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locations that have failed to obtain designation as Federally Designated HMSAs only when such a request for review is accompanied by documentation from the Department of Health and Human Services substantiating that the hospital was located in a federally designated HMSA as of the last day of June preceding the CHAP rate period.

- B) Trauma level designation. Trauma level designation is obtained from the Illinois Department of Public Health as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, substantiating that the information supplied to and utilized by the Department was incorrect.
- C) Accreditation of Rehabilitation Facilities. Accreditation of rehabilitation facilities shall be obtained from the Commission on Accreditation of Rehabilitation Facilities as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Commission, substantiating that the information supplied to and utilized by the Department was incorrect.
- D) Medicaid Inpatient Utilization Rates. Medicaid inpatient utilization rates shall be calculated pursuant to Section 1923 of the Social Security Act and as defined in Section 148.120(k)(5). Review shall be limited to verification that Medicaid inpatient utilization rates were calculated in accordance with federal and State regulations.
- E) Perinatal level designation. Perinatal level designation is obtained from the Illinois Department of Public Health as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, substantiating that the information supplied to and utilized by the Department was incorrect.
- F) Disproportionate share eligibility. Disproportionate share eligibility shall be determined pursuant to Section 148.120. Review shall be limited to verification that the Department utilized criteria in accordance with State regulations.
- G) Occupancy ratio. The occupancy ratio shall be obtained from the Illinois Department of Public Health's published report entitled "Bed Count, Average Length of Stay, Average Daily Census and Percent Occupancy for Non-Federal Hospitals in Illinois" as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, substantiating that the information supplied to and used by the Department was incorrect.
- H) Graduate Medical Education Programs. Graduate Medical

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NOTICE OF EMERGENCY AMENDMENTS

Education program information shall be obtained from the most recently published report of the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the above, substantiating that the information supplied to and utilized by the Department was incorrect.

(Source: Emergency amendment at 19 Ill. Reg. **10752**, effective July 1, 1995, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 152
- 3) Section Numbers:

	<u>Proposed Action:</u>
152.100	Repeal
152.150	Amendment
152.200	Amendment
152.250	Amendment

- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
March 24, 1995 (19 Ill. Reg. 4322)

- 5) Reason for the Withdrawal

The Department proposed these amendments concerning hospital reimbursement to continue the maintenance of rates for hospital services at the levels which had been in effect since January 18, 1994 and were to conclude on June 30, 1995. The amendments were proposed in anticipation of budgetary constraints imposed by the fiscal year 1996 budget plan, and the need to continue rate maintenance for hospitals. Pursuant to the enactment of the State's budget by the legislature, emergency rulemaking is specifically authorized for the implementation of budget related initiatives for fiscal year 1996, by Section 10-95 of Public Act 89-21. Therefore, provisions regarding the continued maintenance of hospital rates were included in emergency rulemaking, effective June 30, 1995, and the amendments proposed at 19 Ill. Reg. 4322 are being withdrawn.

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

1) Heading of the Part: Long Term Care Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 153

3) Section Numbers: Proposed Action:

153.100 Amendment
153.150 Repeal

4) Date Notice of Proposed Amendments Published in the Illinois Register:
March 24, 1995 (19 Ill. Reg. 4331)

5) Reason for the Withdrawal

The Department proposed these amendments concerning reimbursement for long term care facilities, to continue the maintenance of rates at the levels which had been in effect since January 18, 1994 and were to conclude on June 30, 1995. The amendments were proposed in anticipation of budgetary constraints imposed by the fiscal year 1996 budget plan, and the need to continue rate maintenance for long term care facilities. Pursuant to the enactment of the State's budget by the legislature, emergency rulemaking is specifically authorized for the implementation of budget related initiatives for fiscal year 1996, by Section 10-95 of Public Act 89-21. Therefore, provisions regarding the continued maintenance of rates for long term care facilities were included in emergency rulemaking, effective June 30, 1995, and the amendments proposed at 19 Ill. Reg. 4331 are being withdrawn.

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Proposed Action:

140.80 Amendment
140.82 Amendment
140.84 Amendment

4) Date Notice of Proposed Amendments Published in the Illinois Register:

March 17, 1995 (19 Ill. Reg. 3248)

5) Reason for the Withdrawal

The Department proposed these amendments to make certain clarifications regarding the provider assessment program for hospitals, facilities for persons with developmental disabilities and nursing homes. The provider assessment program is an integral component of the State's budget plan for fiscal year 1996, as enacted by the legislature. Emergency rulemaking is specifically authorized for the implementation of budget related initiatives for fiscal year 1996, by Section 10-95 of Public Act 89-21. Therefore, necessary clarifications to the provider assessment program were included in emergency rulemaking, effective July 1, 1995, and the amendments proposed at 19 Ill. Reg. 3248 are being withdrawn.

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:
Proposed Action:
Amendment
140.80
Amendment
140.82
Amendment
140.84
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
March 24, 1995 (19 Ill. Reg. 4337)
- 5) Reason for the Withdrawal

The Department recently proposed these amendments concerning the provider assessment program for hospitals, facilities for persons with developmental disabilities and nursing homes, to extend the provider assessment program beyond June 30, 1995. The provider assessment program is an integral component of the State's budget plan for fiscal year 1996, as enacted by the legislature. Emergency rulemaking is specifically authorized for the implementation of budget related initiatives for fiscal year 1996, by Section 10-95 of Public Act 89-21. Therefore, provisions regarding the extension of the provider assessment program were included in emergency rulemaking, effective July 1, 1995, and the amendments proposed at 19 Ill. Reg. 4337 are being withdrawn.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Food Service Sanitation Code
- 2) Code Citation: 77 Ill. Adm. Code 750
- 3) Register Citation to Notice of Proposed Rules: 19 Ill. Reg. 533 (January 20, 1995)
- 4) Date, Time and Location of Public Hearing:
August 7, 1995
10:00 a.m. to 1:00 p.m.
James R. Thompson Center
Room 16-503 (16th Floor)
100 West Randolph St.
Chicago, Illinois 60601
- 5) Other Pertinent Information:

The hearing will be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
2. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.
3. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

6. Name and Address of Agency Contact Person: Questions regarding these proposed amendments or the public hearing shall be directed to:

Gail M. DeVito
Administrative Rules Coordinator
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-6187

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Retail Food Store Sanitation Code
- 2) Code Citation: 77 Ill. Adm. Code 760
- 3) Register Citation to Notice of Proposed Rules: 19 Ill. Reg. 551 (January 20, 1995)
- 4) Date, Time and Location of Public Hearing:

August 7, 1995
10:00 a.m. to 1:00 p.m.
James R. Thompson Center
Room 16-503 (16th Floor)
100 West Randolph St.
Chicago, Illinois 60601

5) Other Pertinent Information:

The hearing will be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.

2. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.

3. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

5. Name and Address of Agency Contact Person: Questions regarding these proposed amendments or the public hearing shall be directed to:

Gail M. DeVito
Administrative Rules Coordinator
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
(217) 782-6187

DEPARTMENT OF PUBLIC HEALTH HEALTH FACILITIES PLANNING BOARD
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Processing, Classification Policies and Review Criteria
- 2) Code Citation: 77 Ill. Adm. Code 1110
- 3) Register Citation to Notice of Proposed Rules:

19 Ill. Reg. 8085 (June 23, 1995)

4) Date, Time and Location of Public Hearing:

July 24, 1995
1:30 p.m.
Illinois Department of Public Health
1st Floor Conference Room
525 West Jefferson
Springfield, Illinois 62761

5) Other Pertinent Information:

The hearing will be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department, State Board will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.

2. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.

3. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

5. Name and Address of Agency Contact Person:

Questions regarding these proposed amendments or the public hearing shall be directed to:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

Gail M. Devito
Administrative Rules Coordinator
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-6197

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

RULES PROMULGATED BY STATE AGENCIES THAT MAY IMPACT SMALL BUSINESS

In accordance to provisions of the Administrative Procedure Act's ILCS 100.5-10c1, the department has been requested "by an association representing at least 100 interested persons", in this instance the Illinois Riverboat Gaming Council, to review the following proposed rule:

Name of Agency: Illinois Gaming Board

Heading of the Part: Riverboat Gambling

Code Citation: 36 Ill. Adm. Code 3000

Sections Involved: 3000.300 thru 3000.436

Notice of Proposal Published in Illinois Register: June 9, 1995

Statutory Authority: The Riverboat Gambling Act 240 ILCS 101

Information concerning this Regulatory Flexibility Impact Analysis shall be directed to:

Name: Linda O. Brand
Address: Department of Commerce and Community Affairs
620 E. Adams, Springfield, IL 62701
Telephone: (217) 785-6384

Other pertinent information regarding these rules: Publication of this notice serves to both provide the general public with information regarding specifics of the proposed rule on request, as well as allow comments from interested parties. All comments will be considered as the analysis is formulated.

DEPARTMENT OF CONSERVATION

JULY 1995 REGULATORY AGENDA

- a) Parts(s) (Heading and Code Citation): Rental of Boats and Boating Facilities; 17 Ill. Adm. Code 210

1) Rulemaking:

- A) Description: Rule outlines safety requirements, rental procedures and fees.

- 3) Statutory Authority: Implementing and authorized by Sections 63a14, 63a15, 63a21, and 63a22 of the Civil Administrative Code of Illinois 20 ILCS 805/63a14, 63a15, 63a21 and 63a22].

- 2) Schedule meeting/hearing date: None

- D) Date agency anticipates First Notice: September 1995

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217 782-1909

- 3) Related Rulemakings and other pertinent information: None

- b) Parts(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Firearms; 17 Ill. Adm. Code 650

1) Rulemaking:

- A) Description: Department's rules governing the hunting of white-tailed deer by use of firearms

- 3) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code 520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

- 2) Schedule meeting/hearing date: None

- D) Date agency anticipates First Notice: December 1995

- E) Affect on small businesses, small municipalities or not for profit corporations: None

DEPARTMENT OF CONSERVATION

JULY 1995 REGULATORY AGENDA

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217 782-1909

- 3) Related Rulemakings and other pertinent information: None

- c) Parts(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Muzzleloading Rifles; 17 Ill. Adm. Code 660

1) Rulemaking:

- A) Description: Department's rules governing the hunting of white-tailed deer by use of muzzleloading rifles

- 3) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code 520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

- 2) Schedule meeting/hearing date: None

- D) Date agency anticipates First Notice: December 1995

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217 782-1909

- 3) Related Rulemakings and other pertinent information: None

- d) Parts(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Bow and Arrow; 17 Ill. Adm. Code 670

1) Rulemaking:

- A) Description: Department's rules governing the hunting of white-tailed deer by use of bow and arrow

- 3) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code 520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

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- 2) Schedule meeting/hearing date: None
- 3) Date agency anticipates First Notice: July 1995
- 4) Affect on small businesses, small municipalities or not for profit corporations: None
- 5) Agency contact person for information:
Name: Jack Price
Address: 524 S. Second Street
 Springfield, IL 62701
Telephone: 217/782-1809
- 6) Related Rulemakings and other pertinent information: This Part will also be amended in December 1995

7) Parts(s) (Heading and Code Citation): White-Tailed Deer Hunting Season by Use of Handguns: 17 Ill. Adm. Code 680

1) Rulemaking:

- A) Description: Department's rules governing the hunting of white-tailed deer by use of handguns

3) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.26 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.26).

- C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: July 1995

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
 Springfield, IL 62701
Telephone: 217/782-1809

- G) Related Rulemakings and other pertinent information: None

8) Parts(s) (Heading and Code Citation): The Taking of Wild Turkeys - Spring Season: 17 Ill. Adm. Code 710

1) Rulemaking:

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- A) Description: Department's rules governing the taking of wild turkeys - spring season
- 3) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.2, 2.10 and 2.11 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 1.20, 2.2, 2.10 and 2.11).
- C) Schedule meeting/hearing date: None
- D) Date agency anticipates First Notice: July 1995
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
 Springfield, IL 62701
Telephone: 217/782-1809

- 3) Related Rulemakings and other pertinent information: None

9) Parts(s) (Heading and Code Citation): Implementing Procedures for the Interagency Wetlands Policy Act: 17 Ill. Adm. Code 1090

1) Rulemaking:

- A) Description: New rulemaking which establishes procedures for implementing procedures for the Interagency Wetlands Policy Act

3) Statutory Authority:

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: August 1995

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
 Springfield, IL 62701
Telephone: 217/782-1809

- G) Related Rulemakings and other pertinent information: None

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Telephone: 217/782-1809

- 2) Related Rulemakings and other pertinent information: None

3) Parts(s) (Heading and Code Citation): Relocation Assistance and Payments Program; 17 Ill. Adm. Code 2560

1) Rulemaking:

- A) Description: New Administrative Rule regulating relocating assistance and payments program

- B) Statutory Authority:

- C) Schedule meeting/hearing date: None

- D) Date agency anticipates First Notice: August 1995

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

- G) Related Rulemakings and other pertinent information: None

K) Parts(s) (Heading and Code Citation): Boat Access Area Development Program; 17 Ill. Adm. Code 3035

1) Rulemaking:

- A) Description: Grant program provides financial assistance to encourage the development, improvement and expansion of public boat access areas.

- B) Statutory Authority: Implementing and authorized by Section 53a25 of the Civil Administrative Code (20 ILCS 805.63a25) and Section 1 The Boat Registration and Safety Act 1825 ILCS 45/10-11.

- C) Schedule meeting/hearing date: None

- D) Date agency anticipates First Notice: July 1995

- E) Affect on small businesses, small municipalities or not for

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- 2) Parts(s) (Heading and Code Citation): Landowner Cost Share Program; 17 Ill. Adm. Code 1820

1) Rulemaking:

- A) Description: New Administrative Rule -- Conservation easement program

- B) Statutory Authority:

- C) Schedule meeting/hearing date: None

- D) Date agency anticipates First Notice: September 1995

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

- G) Related Rulemakings and other pertinent information: None

J) Parts(s) (Heading and Code Citation): Urban and Community Forestry Grant Program; 17 Ill. Adm. Code 1538

1) Rulemaking:

- A) Description: Outlines procedures for applying for grant

- B) Statutory Authority: Implementing and authorized by one Urban Forestry Assistance Act (30 ILCS 735/11).

- C) Schedule meeting/hearing date: None

- D) Date agency anticipates First Notice: September 1995

- E) Affect on small businesses, small municipalities or not for profit corporations: This is a grant program which provides financial assistance to municipalities for the implementation of Urban Forestry Plans.

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701

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profit corporations: Local agencies apply for assistance under this grant program.

F) Agency Contact Person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217-782-1809

I) Related Rulemakings and other pertinent information: None

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a) Part(s) (Heading and Code Citation): Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories, 35 Ill. Adm. Code 33

I) Rulemaking:

A) Description: The amendments to these rules establish new analytical methods and update versions of previously adopted analytical methods for the testing of inorganic and organic contaminants in drinking water that are regulated pursuant to the Federal Safe Drinking Water Act (42 U.S.C. 300f (1991)) and the Illinois Environmental Protection Act (415 ILCS 5/1 (1994)). The proposed amendments to these rules reflect the changes to analytical methods for drinking water that were adopted by the U.S. Environmental Protection Agency and published in 59 Fed. Reg. 6456 (December 5, 1994). The Illinois Environmental Protection Agency ("IEPA") will serve as lead agency in this rulemaking. The other agencies that the IEPA expects will be participating in this rulemaking are the Illinois Department of Nuclear Safety and the Illinois Department of Public Health.

3) Statutory Authority: Implementing and authorized by Section 1401(b)(d) of the Safe Drinking Water Act (42 U.S.C. 300f (1991)) Subpart C of the National Primary Drinking Water Regulations (40 C.F.R. 141.21 through 141.30 (1991)), the Illinois Environmental Protection Act, (415 ILCS 5/1 (1994)), and the Civil Administrative Code of Illinois (20 ILCS 5/1 (1994)), and authorized by Sections 4(c) and (p) of the Illinois Environmental Protection Act (415 ILCS 5/4(c) and (p) (1994)) and Sections 55.10 through 55.12 and Section 71 of the Civil Administrative Code of Illinois (20 ILCS 2310/55.10 through 55.12, and 20 ILCS 2005/71(D)).

2) Schedule Meeting/Hearing Date: The Agency has no plans for a hearing or meeting on these proposed rules.

2) Date agency anticipates First Notice: September 4, 1995.

2) Affect on small businesses, small municipalities or not-for-profit corporations: The small environmental laboratory will be affected by the new analytical method requirements that will be a part of this voluntary certification program. The small environmental laboratory will have to do the reporting, bookkeeping, and other procedures to maintain its certification. The environmental laboratory certification rules require professional laboratory skills for maintenance of the certification.

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1) Agency contact person for information:

Karl Reed, Manager
Quality Assurance Section
Division of Laboratories
Illinois Environmental Protection Agency
2201 Chouteau Road
P.O. Box 9276
Springfield, IL 62794-9276
217) 792-6455

professional laboratory skills for maintenance of the certification.

2) Agency contact person for information:

Karl Reed, Manager
Quality Assurance Section
Division of Laboratories
Illinois Environmental Protection Agency
2200 Courtois Road
P.O. Box 19276
Springfield, IL 62794-9276
217) 792-6455

3) Related rulemakings and other pertinent information: None.

2) Part(s) (Heading and Code Citation): Environmental Laboratory Certification Fee Rules, 35 Ill. Adm. Code 185

1) Rulemaking:

A) Description: The new rules will establish the procedures for the determination and the collection of the annual administrative assessment fee and the laboratory certification fees from environmental laboratories for public water supply analyses, water pollution analyses, and air laboratory and water waste parameters. The rules are intended to implement the Environmental Laboratory Fee Certification Program pursuant to House Bill 129 that will amend the Illinois Environmental Protection Act to add Section 17.8.

3) Statutory Authority: The Proposed rules will be implementing Section 5.408, the Environmental Laboratory Certification Fund provisions of House Bill 129. The Illinois Environmental Protection Agency ("Agency") expects the Governor to sign House Bill 129 in the near future authorizing these rules.

2) Schedule meeting/hearing date: The Agency has no plans for a hearing or meeting on these proposed rules.

2) Date agency anticipates First Notice: October 2, 1995.

2) Affect on small businesses, small municipalities or not for profit corporations: The small environmental laboratory will be provided the opportunity to be certified for a fee for public water supply analyses, water pollution analyses, and for hazardous and other waste parameters by the Agency. The small environmental laboratory will have to do the reporting, bookkeeping, and other procedures to maintain its certification. The environmental laboratory certification rules require

2) Related rulemakings and other pertinent information: None.

2) Part(s) (Heading and Code Citation): General Conformity, 35 Ill. Adm. Code 255

1) Rulemaking:

A) Description: The proposed Agency rules will add a new part to address the requirements of Section 17.6 of the Clean Air Act, 35 Ill. Adm. Code that Illinois adopt criteria and procedures for federal agencies to use in determining whether federal projects in Illinois' nonattainment and maintenance areas conform to the applicable state implementation plan. These rules will apply to the following nonattainment and maintenance areas: for ozone - Chicago, Metro-East, and Jersey County areas, for sulfur dioxide - Peoria, Tazewell area, and for PM-10 - Granite City, Lake Calumet, Daley and McCook areas. The regulations will contain definitions, notice and consultation procedures, criteria, as well as procedures for mitigation of air quality impacts.

3) Statutory Authority: Section 4 of the Illinois Environmental Protection Act 415 ILCS 5/4 (1992).

2) Schedule meeting/hearing date: The Illinois Environmental Protection Agency will be meeting with interested parties in the Summer or Early Fall of 1995, including affected federal and state agencies.

2) Date agency anticipates First Notice: A Fall 1995 submittal is expected.

2) Affect on small businesses, small municipalities or not for profit corporations: As this regulation applies to federal

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actions, it is not expected to impact privately-owned small businesses.

F) Agency contact person for information:

Rachel Doctors
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
217) 524-3333

- 3) Related rulemakings and other pertinent information: The is an Agency regulation rather than a Pollution Control Board regulation since it concerns procedures rather than emissions standards or control requirements. The Clean Air Act requires that federal agencies ensure that their projects and actions, including funding and permitting of projects to not interfere with the State's attainment plan.

- 3) Part(s) (Heading and Code Citation): Procedures for the Determination of Water Quality Based Effluent Limits, 35 Ill. Adm. Code 352

1) Rulemaking:

- A) Description: These rules establish the criteria to be used by the Illinois Environmental Protection Agency in establishing effluent limits necessary to ensure compliance with water quality standards for individual dischargers, pursuant to 35 Ill. Adm. Code 304.105.

- 3) Statutory Authority: Authorized by Section 39(b) of the Illinois Environmental Protection Act, 415 ILCS 5/39(b).

- 2) Schedule meeting/hearing date: Not yet determined.

- 2) Date agency anticipates First Notice: December 1, 1995

- 2) Affect on small businesses, small municipalities or not for profit corporations: These rules will affect small or not-for-profit dischargers whose effluent would cause or contribute to a violation of water quality standards.

- 2) Agency contact person for information:

Robert Mosher
Illinois Environmental Protection Agency

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Bureau of Water
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
217) 782-3362

- 2) Related rulemakings and other pertinent information: Not yet determined.

- 2) Part(s) (Heading and Code Citation): Procedures for the Determination of Mixing Zones, 35 Ill. Adm. Code 353

1) Rulemaking:

- A) Description: These rules establish the criteria to be used by the Illinois Environmental Protection Agency in establishing mixing zones necessary to ensure compliance with water quality standards for individual dischargers, pursuant to 35 Ill. Adm. Code 302.102.

- 3) Statutory Authority: Authorized by Section 39(b) of the Illinois Environmental Protection Act, 415 ILCS 5/39(b).

- 2) Schedule meeting/hearing date: Not yet determined.

- 2) Date agency anticipates First Notice: December 1, 1995

- 2) Affect on small businesses, small municipalities or not for profit corporations: These rules will affect small or not-for-profit dischargers who request mixing zones to insure compliance with water quality standards as part of their National Pollutant Discharge Elimination System (NPDES) permits.

- 2) Agency contact person for information:

Robert Mosher
Illinois Environmental Protection Agency
Bureau of Water
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
217) 782-3362

- 2) Related rulemakings and other pertinent information: Not yet determined.

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- 2) Part(s) (Heading and Code Citation): Procedures for Issuing Loans from the Water Pollution Control Revolving Fund, 35 Ill. Adm. Code 365

1) Rulemaking:

A) Description: This rulemaking is in response to the legislative creation of two programs known as the Water Pollution Control Loan Program and the Loan Support Program within the Water Pollution Control Revolving Fund. The Water Pollution Control Loan Program provides financial assistance in the form of below market rate loans to eligible units of local government to construct wastewater treatment works. The Loan Support Program uses a portion of the loan repayments to finance Agency costs of administering the Water Pollution Control Revolving Fund, and activities under Title III of the Environmental Protection Act, including administration of the state construction grant program. Furthermore, the Loan Support Program will finance the development of a low interest loan program for public water supply projects.

3) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.8 of the Environmental Protection Act, as amended by P.A.89-27, effective January 1, 1996, and ILCS 5/19.1 through 5/19.8.

2) Schedule meeting/hearing date: The Illinois Environmental Protection Agency ("Agency") does not anticipate a hearing or meeting on these proposed rules.

2) Date agency anticipates First Notice: July 28, 1995

3) Affect on small businesses, small municipalities or not for profit corporations: The loan program is limited to units of local government, not small businesses or not for profit corporations. The legislation specifies that units of local government, including small municipalities, shall not have any increases to their overall costs. NO additional professional skills are required by these amendments.

2) Agency contact person for information:

Ron Drainer, Manager
Grants Administration
Division of Water Pollution Control
Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276

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Springfield, IL 62734-9276
217) 792-1927

3) Related rulemakings and other pertinent information: None.

3) Part(s) (Heading and Code Citation): Procedures for Issuing Loans from the Water Pollution Control Revolving Loan Fund, 35 Ill. Adm. Code 365

1) Rulemaking:

A) Description: Recodification in anticipation of amendment, as required by 1 Ill. Adm Code 100.1100.

3) Statutory Authority: Underlying rules authorized by Sections 19.1 through 19.8 of the Illinois Environmental Protection Act, 415 Ill. Adm. Code 5/19.1-19.8.

2) Schedule meeting/hearing date: Not applicable.

2) Date agency anticipates First Notice: August 1, 1995.

2) Affect on small businesses, small municipalities or not for profit corporations: None.

2) Agency contact person for information:

Lisa Moreno
Division of Legal Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62734-9276
217) 792-5544

3) Related rulemakings and other pertinent information: Substantive amendments to Procedures for Issuing Loans from the Water Pollution Control Revolving Loan Fund, 35 Ill. Adm. Code 365.

3) Part(s) (Heading and Code Citation): Procedures for Issuing Loans from the Water Pollution Control Revolving Loan Fund, 35 Ill. Adm. Code 365.

1) Rulemaking:

A) Description: Amendments to the procedures for application for and issuance of loans to units of local government from the Water Pollution Control Revolving Loan Fund for the construction and

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upgrading of publicly owned wastewater treatment works. These amendments clarify language and intent, eliminate unnecessary procedures and provide for conformity with Federal requirements.

- 3) Statutory Authority: Authorized by Sections 19.1 through 19.8 of the Illinois Environmental Protection Act, 415 ILCS 5/19.1-19.8.

- 2) Schedule meeting/hearing date: Not yet determined.

- 2) Date agency anticipates First Notice: September 1, 1995.

- 2) Affect on small businesses, small municipalities or not for profit corporations: These amendments affect loan application and issuance procedures for small municipalities.

- 2) Agency contact person for information:

James Leinicke
Bureau of Water
Illinois Environmental Protection Agency
1200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 52-2027

- 3) Related rulemakings and other pertinent information: Amendments to Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works, 35 Ill. Adm. Code 366.

- 1) Part(s), Heading and Code Citation: Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works, 35 Ill. Adm. Code 366

1) Rulemaking:

- A) Description: Amendments to the criteria and methodology used by the IEPA for determining priorities for the issuance of loans from the Water Pollution Control Revolving Loan Fund for the construction and upgrading of publicly owned wastewater treatment works.

- 3) Statutory Authority: Authorized by Sections 19.1 through 19.8 of the Illinois Environmental Protection Agency, 415 ILCS 5/19.1-19.8.

- 2) Schedule meeting/hearing date: Not yet determined.

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- 2) Date agency anticipates First Notice: August 1, 1995.

- 2) Affect on small businesses, small municipalities or not for profit corporations: Amendments will affect loan issuance to small municipalities.

- 2) Agency contact person for information:

Michael Bowers
Bureau of Water
Illinois Environmental Protection Agency
1200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 52-2027

- 3) Related rulemakings and other pertinent information: Amendments to Procedures for Issuing Loans From the Water Pollution Control Revolving Loan Fund, 35 Ill. Adm. Code 365.

- 1) Part(s), Heading and Code Citation: Procedures for Issuing Grants under the Conservation 2000 Clean Lakes Program, 35 Ill. Adm. Code 367.

1) Rulemaking:

- A) Description: Establishes criteria and procedures for review of grant applications and award of grants to lake owners for the development and implementation of comprehensive lake management programs pursuant to the Illinois Lake Management Program Act, 305 ILCS 25.1 et. seq.

- 3) Statutory Authority: Authorized by and implementing the Illinois Lakes Management Program Act, 305 ILCS 25.1 et. seq. and an act to amend the State Finance Act by adding Sections 30-1, 30-2, 30-3, 30-4, 30-5, 30-6, 30-7, 30-8, 30-9, 30-10, 30-11 and 30-12, P. A. 89-49, effective June 30, 1995.

- 2) Schedule meeting/hearing date: Not yet determined.

- 2) Date agency anticipates First Notice: September 1, 1995.

- 2) Affect on small businesses, small municipalities or not for profit corporations: Applicable to any small business, small municipality or not for profit corporation that owns an in-land lake to which the public has regular and continuing access.

- 2) Agency contact person for information:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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Breg Goode
Bureau of Water
Illinois Environmental Protection Agency
3200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-3362

- 1) Related rulemakings and other pertinent information: Not yet determined.

OFFICE OF THE STATE FIRE MARSHAL

JULY 1995 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): 41 Ill. Adm. Code 120, Boiler and Pressure Vessel Safety.

1) Rulemaking:

- A) Description: Updating standards adopted by the Board of Boiler and Pressure Vessel Rules. The standards are the American Society of Mechanical Engineers' (ASME) Code and the National Board of Boiler Inspectors' Inspection Code (NBIC). The Board will adopt the most recent ASME codes and may adopt all or parts of the most recent NBIC.

- 3) Statutory Authority: 75 ILCS 75/2

- C) Scheduled meeting/hearing dates: June 29-30, 1995 for the NBIC.

- D) Date agency anticipates First Notice: August 1, 1995

- E) Affect on small businesses, small municipalities or not-for-profit corporations: The Office of the State Fire Marshal does not believe that Illinois Business or municipalities will be impacted. Boiler fabricators and repair firms may be impacted by some of the provision of the NBIC. Prior to adoption, the Board will consider the issues at its September 8, 1995 Meeting.

- F) Agency contact person for information:

David Douin, Superintendent
Boiler and Pressure Vessel Safety
1035 Stevenson Drive
Springfield, IL 62703
(217) 782-3636

- 3) Related rulemakings and other pertinent information: The Board has previously stated its intention to adopt the most current version of the ASME code to keep Illinois consistent with national standards to avoid conflicts in fabrication and inspection of boilers and pressure vessels.

- c) Part(s) (Heading and Code Citation): 41 Ill. Adm. Code 140, Policy and Procedure Manual for Fire Protection Personnel.

1) Rulemaking:

- A) Description: The Office may update referenced material to more recent standards, add additional certification levels for Rescue and add rules to charge fees for certain examinations.

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- 3) Statutory Authority: 50 ILCS 740/8 and 11.
- 2) Scheduled meeting/hearing date: None
- 2) Date agency anticipates First Notice: October, 1995
- 2) Affect on small businesses, small municipalities or not for profit corporations: The programs are voluntary on the part of municipalities and the changes are not expected to increase costs or alter local training programs.
- 2) Agency contact person for information:
Ms. Glenna Senger
Deputy State Fire Marshal
4035 Stevenson Drive
Springfield, IL 62703
(217) 795-1101
- 2) Related rulemaking and other pertinent information: None

DEPARTMENT OF MINES AND MINERALS

JULY 1995 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): The Illinois Explosives Act: 62 Ill. Adm. Code 200
- 2) Rulemaking:
- A) Description: 62 Ill. Adm. Code Part 200 contains regulations implementing the Illinois Explosives Act, 225 ILCS 210, and applies to the storage, use, acquisition, possession, disposal, and transfer of explosive materials. Various sections within Part 200 will be amended and reorganized for purposes of updating, clarification, addressing issues and situations which are not currently covered in the rules, but need to be, and generally attempting to ensure that explosive materials are handled and stored appropriately, safely and securely.
- B) Statutory Authority: Implementing and authorized by the Illinois Explosives Act (225 ILCS 210).
- C) Schedule meeting/hearing date: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- D) Date agency anticipates First Notice: November 1, 1995
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 4437
Springfield, IL 62701-0437
(217) 782-5791
- 2) Related rulemakings and other pertinent information: None.
- b) Part(s) (Heading and Code Citation): 62 Ill. Adm. Code 1700 - 1850
- 2) Rulemaking:
- A) Description: 62 Ill. Adm. Code 1700 through 1850 contains rules implementing the Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720. These rules will be amended where necessary to reflect the dissolution of the Department of Mines and Minerals, and its corresponding reorganization into the newly created Department of Natural Resources.

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- 3) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720, and Executive Order No. 2 (1995).
- 2) Schedule meeting/hearing date: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.

2) Date agency anticipates First Notice: December 1, 1995

3) Affect on small businesses, small municipalities or not for profit corporations: None

2) Agency contact person for information:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137
(217) 782-6791

3) Related rulemakings and other pertinent information: None

3) Part(s) (Heading and Code Citation): Surface Mined Land Conservation and Reclamation Act; 62 Ill. Adm. Code 300

1) Rulemaking:

A) Description: 62 Ill. Adm. Code Part 300 will be amended to implement HB 1486, which amends the Surface-Mined Land Conservation and Reclamation Act and the State Finance Act to regulate blasting at aggregate mines. The rules will implement the administrative enforcement scheme established by the statute designed to punish violations of blasting regulations.

3) Statutory Authority: Implementing and authorized by the Surface-Mined Land Conservation and Reclamation Act (225 ILCS 725).

2) Schedule meeting/hearing date: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.

2) Date agency anticipates First Notice: October 1, 1995

3) Affect on small businesses, small municipalities or not for profit corporations: None

DEPARTMENT OF MINES AND MINERALS

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2) Agency contact person for information:

John Henriksen, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137
(217) 782-6791

3) Related rulemakings and other pertinent information: None

3) Part (Heading and Code Citation): Illinois Oil and Gas Act; 62 Ill. Adm. Code 240.

1) Rulemaking:

A) Description: The Department will promulgate rules that regulate the on-site disposal of naturally occurring radioactive materials (NORM) generated by oil and gas exploitation production; establish a procedure for extending the time period during which wells can be kept on temporary abandonment status; and clarify a series of administrative, operational and enforcement procedures relating to the Illinois Department of Mines and Minerals, Oil and Gas Division (as well as its successor agency, the Office of Mines and Minerals within the Illinois Department of Natural Resources).

3) Statutory Authority: Implementing and authorized by Sections 6 and 8a of the Illinois Oil and Gas Act (225 ILCS 721.6 and 725/8).

2) Schedule meeting/hearing date: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.

2) Date agency anticipates First Notice: On or before October 31, 1995.

3) Affect on small businesses, small municipalities or not for profit corporations: The proposed amendments will allow small oil and gas permittees to conduct their operations in a more cost-effective manner. The proposed amendments will have no impact on small municipalities or not for profit corporations.

3) Agency contact person for information:

Name: Lawrence E. Bengel, Supervisor, Oil and Gas Division

DEPARTMENT OF MINES AND MINERALS

JULY 1995 REGULATORY AGENDA

Address: Illinois Department of Natural Resources, Office of Mines and Minerals, 300 West Jefferson, Suite 300, P.O. Box 10140, Springfield, Illinois 62791-0140.
Telephone: (217) 782-6791.

G) **Related rulemakings and other pertinent information:** None

e) **Part (Heading and Code Citation):** Oil and Gas Wells on Public Lands Act; 62 Ill. Adm. Code 250.

1) **Rulemaking:**

A) **Description:** Proposed new Part 250 implements the Oil and Gas Wells on Public Lands Act, 5 ILCS 615/0.01 et seq., by establishing a comprehensive scheme regulating the exploration and leasing of oil and gas reserves underlying State owned land. Specifically, these new rules establish administrative procedures for: (a) designating State owned land as "unknown" or "proven" territory (for purposes of oil and gas exploration/production); (b) issuing permits to explore unknown territory and (c) leasing tracts of land found to be proven territory. The administrative process proposed in new Part 250 ensures that all oil and gas exploration/production operations on State owned land occurs in an environmentally sound manner. Although these rules are being proposed by the Illinois Department of Mines and Minerals, as required by Section 16 of the Oil and Gas Wells on Public Lands Act, 5 ILCS 615/16, this new regulatory program will be administered by the Office of Mines and Minerals within the Illinois Department of Natural Resources created pursuant to Executive Order No. 2 (1995).

B) **Statutory Authority:** Implementing and authorized by Section 16 of the Oil and Gas Wells on Public Lands Act 5 ILCS 615-16).

C) **Scheduled hearing hearing date:** Written comments may be submitted within 45 days after publication of the proposed new rules. Public hearings will be held in Springfield, Illinois on July 21, 1995 and in Mt. Vernon, Illinois on July 28, 1995.

D) **Date agency anticipates first notice:** On or before June 30, 1995.

E) **Affect on small businesses, small municipalities or not for profit corporations:** The proposed amendments will allow small oil and gas permittees to explore for and produce oil and gas underlying State owned land. The proposed new rules will have no impact on small municipalities or not for profit corporations.

F) **Agency contact person for information:**

DEPARTMENT OF MINES AND MINERALS

JULY 1995 REGULATORY AGENDA

Name: Lawrence E. Bengel, Supervisor, Oil and Gas Division, Illinois Department of Natural Resources, Office of Mines and Minerals, 300 West Jefferson, Suite 300, P.O. Box 10140, Springfield, Illinois 62791-0140.
Telephone: (217) 782-6791

G) **Related rulemakings and other pertinent information:** None

DEPARTMENT OF NUCLEAR SAFETY

JULY 1995 REGULATORY AGENDA

- 1) Part(s) Heading and Code Citation(s): Radiation Safety Requirements for Industrial Radiographic Operations, 12 Ill. Adm. Code 350

1) Rulemaking: Proposed Amendment

A) Description: The Department is proposing this amendment: 1) to remedy an inconsistency in the rule by clarifying in Section 350.3045(d)(5) that the alarm rate meter is not required at a permanent installation; 12) by requiring radiographers and radiographer trainees to carry their certification cards while performing radiography; and 13) to clarify the Radiation Safety Officer qualifications.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 (420 ILCS 401).

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the Illinois Register version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: July 1995

E) Affect on small businesses, small municipalities or not for profit corporations: This amendment does not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Rose Miller
Address: 1035 Outer Park Drive, Springfield, IL 62704
Telephone: (217) 85-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: Not applicable.

POLLUTION CONTROL BOARD

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- 1) Part(s)(Heading(s) and Code Citation(s)):

General Rules (35 Ill. Adm. Code 101)
Regulatory and Informational Hearings and Proceedings (35 Ill. Adm. Code 102)
Enforcement Proceedings (35 Ill. Adm. Code 103)
Variances (35 Ill. Adm. Code 104)
Permits (35 Ill. Adm. Code 105)

Hearings Pursuant to Specific Rules (106)
Identification and Protection of Trade Secrets (120)

1) Rulemaking: Docket number R95-1

A) Description: 35 Ill. Adm. Code: Subtitle A (Parts 101 through 120) contains the procedural rules of the Illinois Pollution Control Board (Board). The Board is in the process of reviewing its rules to determine whether any of them may need updating, streamlining, or other revision. The Board has not as yet developed a regulatory proposal, but when it does so the proposed rules and opinion containing the Board's supporting rationale will be docketed as R95-1.

B) Statutory Authority: Sections 26 and 28 of the Illinois Environmental Protection Act (15 ILCS 5.26 and 28).

C) Scheduled meeting/hearing dates: Once the Board has developed a regulatory proposal in Docket R95-1, the Board will accept written comment and will schedule public hearings.

D) Date agency anticipates First Notice: The Board may cause publication of a Notice of Proposed Amendments in Fall of Winter, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: There may be an effect on any which appear before the Board in any type of proceeding. These include rulemakings: enforcement actions: variances, adjusted standards and site-specific rule requests: permit appeals: review of local governments' decisions concerning siting of pollution control facilities: and any other actions provided for in the Environmental Protection Act.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R95-1, as follows:

Dorothy Gunn, Clerk
Pollution Control Board

POLLUTION CONTROL BOARD

JULY 1995 REGULATORY AGENDA

100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R95-1, as follows:

Kathleen M. Crowley
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6929

or
Musette H. Vogel, Attorney
Pollution Control Board
500 South Second Street, Suite 402
Springfield, IL 62704
(217) 524-8509

- 2) **Related rulemakings and other pertinent information:** If review of existing procedural rules warrants it, the Board may open additional parts within 35 Ill. Adm. Code: Subtitle A.

- b) **Part(s) (Heading(s) and Code Citation(s)):** Permits and General Provisions (35 Ill. Adm. Code 201)

- 1) **Rulemaking:** No docket presently reserved.

A) **Description:** Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Illinois Pollution Control Board (Board) pursuant to the fast-track rule-making procedures of Section 28.5 of the Environmental Protection Act. 1) Revision of the present exemptions from state permitting, contained in Section 201.146, to consider the list of insignificant activities recently developed for the Clean Air Act Permit Program ("CAAPP") permitting in Section 201.210. 2) General "Clean-up" of Part 201, to address changes in terminology accompanying CAAPP and other developments, since Part 201 was last reviewed. 3) Possible establishment of a "Quick Look" process so that construction of simpler projects may begin in 30 days or less if the Agency agrees that a project may proceed.

- B) **Statutory Authority:** Sections 10, 27, 28.2, and 28.5 of the Environmental Protection Act (415 ILCS 5/10, 27, 28.2 and 28.5).

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- 2) **Scheduled meeting/hearing dates:** None scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule established in Section 28.5.

- 2) **Date agency anticipates first notice:** Once the proposal is filed, the Board will publish first notice on the schedule established in Section 28.5. The Agency anticipates submitting the proposal for items (1) and (2) in paragraph A in August, 1995, but has not yet determined when the proposal for item (3) will be submitted to the Board.

- 3) **Affect on small business, small municipalities or not for profit corporation:** Yes. The rules will affect small businesses in a beneficial way by streamlining the permit process.

- 2) **Agency contact person for information:** Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
(312) 814-6969

- 3) **Related rulemakings and other pertinent information:** This rulemaking has generally been discussed by the Agency with business groups and certain sources as an initiative to simplify the state permitting program that would follow shortly after the revisions to Part 201 to address the CAAPP. It has not been discussed with the Board. The contact person at the Illinois Environmental Protection Agency is:

Laurel Krack
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 524-3333

- c) **Part(s) (Heading(s) and Code Citation(s)):** Definitions and General

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Provisions (35 Ill. Adm. Code 211).

1) Rulemaking: Presently reserved docket number 895-16

A) Description: Section 9.1(e) of the Environmental Protection Act (Act) [415 ILCS 5/9.1(e) (1992)] mandates that the Board update the Illinois definition of Volatile Organic material (VOM), presently codified as 35 Ill. Adm. Code 211.7150, to reflect the U.S. EPA additions to the list of exemptions of compounds from regulation as ozone precursors. Those compounds are determined by U.S. EPA to be exempt from regulation under the state implementation plan for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1993, at 57 Fed. Reg. 3945, U.S. EPA codified its definition of VOM as 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy.

The Board has reserved docket number 95-16 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that U.S. EPA may make in the period January 1 through June 30, 1995. On June 16, 1995, at 60 Fed. Reg. 31633, U.S. EPA amended the federal definition of VOM to exempt acetone, thus making this compound not subject to the VOM emissions requirements. The Board will immediately propose corresponding amendments to the Illinois regulations under this docket in July. At this time, the Board is unaware of any other amendments to the federal RCRA Subtitle D rules during this period to date. If further amendments are later indicated, the Board will propose additional corresponding amendments to the Section 211.7150 definition of VOM using the identical-in-substance procedure.

Section 9.1(e) mandates that the Board complete our amendments within the year of the date on which U.S. EPA adopted its action upon which our amendments are based. In docket 895-16, the earliest federal amendments in the applicable period upon which the Board has not yet taken action occurred on June 16, 1995. That means that the due date for the 895-16 amendments is presently June 16, 1996. As stated above, however, realizing the importance of acting expeditiously, the Board will immediately commence this proceeding, and we will conclude it as promptly as is possible consistent with other deadline matters and as resources allow.

B) Statutory Authority: Sections 9.1(e) and 27 of the Environmental Protection Act [415 ILCS 5/9.1(e) & 27].

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2) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose the amendments at an open meeting. The Board presently intends to consider that vote at its regularly-scheduled meeting of July 7, 1995. The Board will then schedule at least one public hearing, as required by Section 113 of the Federal Clean Air Act for amendment of the Illinois Ozone State Implementation Plan.

3) Date agency anticipates first Notice: The Board cannot project an exact date for publication at this time. The Board presently expects to consider proposing amendments on July 7, 1995, after which time the Board would cause a Notice of Proposed Amendments to appear in the Register if any federal amendments have occurred. Section 9.1(e) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, presently appears to be December 16, 1995. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 15 days after the date of publication.

4) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the list of exempted compounds.

5) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number 895-16, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
200 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number 895-16, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 914-6924

6) Related Rulemakings and other pertinent information: Other, as

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Yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 211, including the definition of VOC.

Section 3.1(e) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

- 1) Part(s) (Heading(s) and Code Citation(s)): Definitions and General Provisions (35 Ill. Adm. Code 211)
 Visible and Particulate Matter Emissions (35 Ill. Adm. Code 212)
 Organic Material Emission Standards and Limitations for the Chicago Area (218)
 Organic Material Emissions Standards and Limitations for the Metro-East Area (219)

1) Rulemaking: No docket presently reserved.

- A) Description: Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Illinois Pollution Control Board (Board) pursuant to the fast-track rulemaking procedures of Section 28.5 of the Environmental Protection Act. (1) This rulemaking will amend existing air pollution definitions and add definitions as necessary to be consistent with recent proposed and adopted revisions to 35 Ill. Adm. Code Parts 201, 212, 218, and 219. Revisions were made to rules in these parts pursuant to Illinois Clean Air Act Permit Program (415 ILCS 8/39-3) and Illinois' 15% Rate of Progress Plan ("15% Plan") rulemakings. The 15% Plan rulemakings are required pursuant to Section 182(b)(1) of the Clean Air Act. (2) This rulemaking may include definitions as necessary to supplement any rule for architectural and industrial maintenance coatings if these measures are not done nationally by the United States Environmental Protection Agency (U.S. EPA), as these measures are part of Illinois' 15% Plan. (3) This rulemaking may include definitions as necessary to supplement any rules proposed to address control measures for VOC emissions from industrial wastewater treatment facilities that was initially to be addressed by a new U.S. EPA Control Technique Guideline (CTG). This control measure is part of Illinois' 15% Plan. (4) This rulemaking may include definitions as necessary to supplement any

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rules proposed to address control measures for VOC emissions from industrial clean-up solvents that were initially to be addressed by a new U.S. EPA Control Technique Guideline (CTG). This control measure is part of Illinois' 15% Plan. (3) This rulemaking may include definitions as necessary to supplement any revisions to 35 Ill. Adm. Code Part 212: Visible and Particulate Matter Emissions, which revisions are required to obtain full U.S. EPA approval of Illinois' State Implementation Plan for this category. (6) This rulemaking may include definitions as necessary to supplement any revisions to 35 Ill. Adm. Code Part 215: Organic Material and Emission Standards and Limitations, to make this part consistent with the nonsubstantive revisions to 35 Ill. Adm. Code Parts 218 and 219.

- 3) Statutory Authority: Section 27 and 28.5 of the Environmental Protection Act (415 ILCS 5/27 and 28.5).

- 2) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule established in Section 28.5.

- 2) Date agency anticipates First Notice: Once the proposal is filed, the Board will publish first notice in the schedule established in Section 28.5. The Agency has not yet determined when the proposal will be submitted to the Board.

- 3) Agency contact person for information to: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
 Pollution Control Board
 100 W. Randolph Street, Suite 11-500
 Chicago, IL 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley
 Pollution Control Board
 100 W. Randolph Street, Suite 11-500
 Chicago, IL 60601
 312) 814-6969

- e) Part(s) (Heading(s) and Code Citation(s)): Visible and Particulate Matter Emissions (35 Ill. Adm. Code 212)

1) Rulemaking: No docket presently reserved.

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1) Description: Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Illinois Pollution Control Board (Board) pursuant to the fast-track rulemaking procedure of Section 13.5 of the Environmental Protection Act. The proposed rule will address revisions to the Particulate Matter rules needed to respond to U.S. EPA's conditional approval of Illinois' State Implementation Plan approval with respect to these rules in the November 18, 1994, Federal Register. The five areas that U.S. EPA requested changes to are: 1) the opacity limit on basic oxygen furnaces must be reevaluated; 2) lack of an opacity limit to coke oven combustion stacks; 3) the compliance method for the powered roof vents at a certain steel foundry; and 4) general clean-up of ambiguous language. The proposed rule will also "clean-up" any other areas of the rule that are duplicative or ambiguous.

2) Statutory Authority: Sections 10, 17, 28.2 and 28.5 of the Illinois Environmental Protection Act (415 ILCS 5/10, 17, 28.2 and 28.5).

3) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule established in Section 28.5.

4) Date agency anticipates First Notice: The Agency anticipates submitting the proposal to the Board in late summer or early fall, 1995.

5) Affect small business, small municipalities or not for profit corporations: As this rulemaking will address definitions, this rulemaking will not in itself have a substantive impact on sources affected by Illinois' air pollution regulations.

6) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6969

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3) Related Rulemakings and other pertinent information: The Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel Krack
Illinois Environmental Protection Agency
1206 Churchland Road
P.O. Box 1276
Springfield, IL 62704-9276
(217) 524-3333

4) Part(s) (Heading(s) and Code Citation(s)): Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)

5) Rulemaking: No docket presently reserved.

6) Description: Rules are currently being developed by the Illinois Environmental Protection Agency for proposal to the Illinois Pollution Control Board (Board) pursuant to the fast-track rulemaking procedure of Section 28.5 of the Environmental Protection Act. This rulemaking will amend existing air pollution control rules for volatile organic material (VOM) to clean up the existing language. The rulemaking is intended to make this Part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with nonsubstantive aspects of recent revisions to 35 Ill. Adm. Code Parts 218 and 219, pursuant to Illinois' 15% Rate of Progress Plan ("15% Plan") rulemakings. These revisions are not intended to be substantive in nature and should not be controversial.

7) Statutory Authority: Sections 10, 17, 28.2 and 28.5 of the Illinois Environmental Protection Act (415 ILCS 5/10, 17, 28.2 and 28.5).

8) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule established in Section 28.5.

9) Date Agency anticipates First Notice: Once the proposal is filed, the Board will publish first notice on the schedule established in Section 28.5. The Agency has not yet determined when the proposal will be submitted to the Board.

10) Affect on small business, small municipalities or not for profit corporation: This rule should have no negative impact on sources subject to the rules in Part 215, because all revisions are

POLLUTION CONTROL BOARD

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intended to make the rules clearer and consistent.

- 2) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
312) 814-6929

- 3) Other pertinent information concerning these amendments: The Illinois Environmental Protection Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel Kroack
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 524-3333

- 7) Part(s) (Heading(s) and Code Citation(s)): Carbon Monoxide Emissions (35 Ill. Adm. Code 216)

- 1) Rulemaking: Docket number 895-15

- A) Description: The rule proposed by the Marathon Oil Company in Docket 895-15 proposes a new section which would establish a carbon monoxide emission standard for the petroleum refinery located in Robinson, Illinois.

- B) Statutory Authority: These rules will be proposed pursuant to Section 28 of the Illinois Environmental Protection Act, 415 ILCS 5/28.

- C) Scheduled meeting/hearing dates: None have been scheduled at this time. The public may contact Hearing Officer, Charles, at

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the address below, to be added to the 895-15 Notice List, which will insure notice of scheduling of any hearings in this matter.

- 2) Date agency anticipates First Notice: The Illinois Pollution Control Board anticipates submitting a first notice in the Fall 1995.

- 3) Affect on small business, small municipalities or not for profit corporations: Small businesses, not for profit corporations and small municipalities will not be effected by the rule since it is a site-specific one which only applies to the Marathon facility.

- 4) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number 895-15, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number 895-15, as follows:

Charles M. Feinen, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-3473

- 5) Related Rulemakings and other pertinent information: None.

- 6) Part(s) (Heading(s) and Code Citation(s)): Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 213)

- 1) Rulemaking: No docket presently reserved.

- A) Description: Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Illinois Pollution Control Board (Board) pursuant to the fast-track rulemaking procedure of Section 28.5 of the Environmental Protection Act. (1) This rulemaking will amend existing air pollution control rules for volatile organic material (VOM) to clean up the existing language. The rulemaking is intended to make this Part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with recent revisions to these rules pursuant to Illinois' 15% Rate of

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Progress Plan ("15% Plan") rulemakings. The 15% Plan rulemakings are required pursuant to Section 192(b)(1) of the Clean Air Act.

(2) This rulemaking may include a rule for architectural and industrial maintenance coatings if control measures are not adopted nationally by the United States Environmental Protection Agency (U.S. EPA), as these measures are part of Illinois' 15% Plan. (3) This rulemaking may address control measures for VOC emissions from industrial wastewater treatment facilities that were to be addressed by a U.S. EPA Control Technique Guideline (CTG). (4) This rulemaking may also address control measures for VOC emissions from industrial clean-up solvents that were to be addressed by a U.S. EPA Control Technique Guideline (CTG).

3) Statutory Authority: Sections 10, 27, 28.2 and 28.5 of the Environmental Protection Act (415 ILCS 5/10, 27, 28.2 and 28.5).

2) Scheduled meeting/hearing dates: Once the proposal is filed, the Board will publish first notice on the schedule established in Section 28.5. The Agency has not yet determined when the proposal will be submitted to the Board.

2) Date Agency anticipates First Notice: A late spring or early summer, 1995 submittal to the Board is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the Register.

2) Affect on small business, small municipalities, not-for-profit corporations: This rulemaking will affect small and large industrial sources that emit VOC. If architectural and industrial maintenance coating rules are included, they would potentially affect any entity that applies paints to buildings or other structures, including traffic maintenance paints. If rules regulating VOC emissions from industrial wastewater treatment facilities are included in this proposal, it could potentially affect any entity that generates industrial wastewater or operates its own wastewater treatment facilities. If rules regulating VOC emissions from industrial clean-up solvents are included in this proposal, it could potentially affect any entity using clean-up solvents as part of its manufacturing or other processes.

2) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
312) 811-6929

2) Related Rulemakings and other pertinent information: There have been a number of amendments to Parts 218 during the past two years. This rulemaking may also clean-up some limited portions of the recently completed rules. Depending on the success of on-going national negotiations and potential national rulemakings regarding architectural coatings, the Agency may need to proceed with regulations addressing the VOC content of such coatings. Likewise, additional rules may be needed for clean-up solvents and industrial wastewater treatment. The Illinois Environmental Protection Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel Klock
Illinois Environmental Protection Agency
1200 Churchhill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 524-3333

Similar revisions will be proposed to 35 Ill. Adm. Code 219, Organic Material Emission Standards and Limitations for Metro-East Area.

2) Part(s) (Heading(s) and Code Section(s): Organic Material Emission Standards and Limitations for Metro East Area (35 Ill. Adm. Code 219)

2) Rulemaking: No docket presently reserved.

A) Description: Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Illinois Pollution Control Board pursuant to the fast-track rulemaking procedure of Section 28.5 of the Environmental Protection Act. (1) This rulemaking will amend existing air pollution control rules for volatile organic material (VOM) to clean up the existing language. This rulemaking is intended to make this part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with recent revisions to these rules pursuant to

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Illinois' 15% Rate of Progress Plan ("15% Plan") rulemakings. The 15% Plan rulemakings are required pursuant to Section 182(b)(1) of the Clean Air Act. (2) This rulemaking may include a rule for architectural and industrial maintenance coatings if control measures are not adopted nationally by the United States Environmental Protection Agency (U.S. EPA), as these measures are part of Illinois' 15% Plan. (3) This rulemaking may address control measures for VOM emissions from industrial wastewater treatment facilities that were to be addressed by a U.S. EPA Control Technique Guideline (CTG). (4) This rulemaking may also address control measures for VOM emissions from industrial clean-up solvents that were to be addressed by a U.S. EPA Control Technique Guideline (CTG).

3) Statutory Authority: Sections 10, 27, 28.2 and 28.5 of the Environmental Protection Act (45 ILCS 5/10, 27, 28.2 and 28.5).

4) Scheduled meeting/hearing dates: Once the proposal is filed, the Board will publish first notice on the schedule established in Section 28.5. The Agency has not yet determined when the proposal will be submitted to the Board.

5) Date agency anticipates First Notice: A Notice of Proposed Amendments may appear in the Register after this proceeding commences. Submittal to the Board of the proposal that will commence this proceeding is expected in late Spring or early Summer, 1995.

6) Affect on small business, small municipalities or not-for-profit corporations: This rule will affect small and large industrial sources that emit VOM. If architectural and industrial maintenance coating rules are included, they would potentially affect any entity that applies paints to buildings or other structures, including traffic maintenance paints. If rules regulating VOM emissions from industrial wastewater treatment facilities are included in this proposal, it could potentially affect any entity that generates industrial wastewater or operates its own wastewater treatment facilities. If rules regulating VOM emissions from industrial clean-up solvents are included in this proposal, it could potentially affect any entity using clean-up solvents as part of its manufacturing or other processes.

7) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board

POLLUTION CONTROL BOARD

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100 W. Randolph, Suite 11-500
Chicago, IL 60601

Address **questions** concerning this regulatory agenda as follows:

Kathleen M. Crowley
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6929

3) Related Rulemakings and other pertinent information: There have been a number of amendments to Part 219 during the past two years. This rulemaking may also clean-up some limited portions of the recently completed rules. Depending on the success of on-going national negotiations and potential national rulemakings regarding architectural coatings, the Agency may need to proceed with regulations addressing the VOM content of such coatings. Likewise, additional rules may be needed for clean-up solvents and industrial wastewater treatment. The Illinois Environmental Protection Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel Krack
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 524-3333

Similar revisions will be proposed to 35 Ill. Adm. Code 218, Organic Material Emission Standards and Limitations for Chicago Area.

4) Part(s) (Heading(s) and Code Citation(s)): Toxic Air Contaminants (35 Ill. Adm. Code 232-Appendix A)

5) Rulemaking: Docket number **R90-1(D)**

A) Description: The rules proposed by the Illinois Environmental Protection Agency in Docket R90-1(D) seek to amend the Toxic Air Contaminant List set forth in 35 Ill. Adm. Code 232-Appendix A by adding those chemicals listed as "Hazardous Air Pollutants" under Section 112(b) of the Clean Air Act, as amended in 1990 (42 U.S.C. 7401 et seq.), and those chemicals or substances targeted by the Great Lakes Commission or under the United States

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Environmental Protection Agency's "Great Waters" program under Section 210(m) of the Clean Air Act, as amended in 1990. 42 U.S.C. 7401 et seq. The Illinois Pollution Control Board (Board) has not made a judgment on the merits of this proposal.

3) Statutory Authority: Section 3.5 and 27 of the Illinois Environmental Protection Act 415 ILCS 5/3.5, 27.

2) Scheduled meeting/hearing dates: None have been scheduled at this time. The public may contact Hearing Officer, Charles, at the address below, to be added to the R90-1(D) Notice List, which will insure notice of scheduling of any hearings in this matter.

2) Date agency anticipates First Notice: The Illinois Pollution Control Board anticipates submitting a first notice in the Fall, 1995.

2) Affect on small businesses, small municipalities or not for profit corporations: Any small businesses, not for profit corporations and small municipalities emitting any of the chemicals or substances that will be newly listed will be affected.

2) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R90-1(D), as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R90-1(D), as follows:

Charles M. Feinen, Attorney/
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
312) 814-3473

2) Related Rulemakings and other pertinent information: See 4) below.

4) Part(s) (Heading(s) and Code Citation(s)): Toxic Air Contaminants (35 Ill. Adm. Code 232)

1) Rulemaking: No docket presently reserved.

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2) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a regulatory proposal for filing with the Illinois Pollution Control Board (Board) revisions to Part 332 to require reporting of "Illinois Toxic Air Contaminant" or "ITAC" emissions beginning in 1996. Revisions to Appendix A of 35 Ill. Adm. Code have been proposed (October 1994) to delineate those chemicals that are ITACs.

3) Statutory Authority: Sections 3.5, 10 and 27 of the Environmental Protection Act 415 ILCS 5/3.5, 10 and 27

2) Scheduled meeting/hearing dates: None scheduled at this time.

2) Date agency anticipates First Notice: A Notice of Proposed Amendments may appear in the Register after the Agency submits a rulemaking proposal to the Board, about August, 1995.

2) Affect on small businesses, small municipalities or not for profit corporations: This rule may impact small businesses, small municipalities and not for profit corporations if they currently are subject to federal emissions reporting requirements under the "Emergency Planning and Community Right-to-Know Act" Title III of the Superfund Amendments and Reauthorization Act of 1986).

2) Information concerning this regulatory agenda shall be directed to:

Kathleen M. Crowley
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
312) 814-5223

2) Related rulemakings and other pertinent information: The development of this rule has been ongoing since 1990. The Agency has worked with the Illinois Environmental Regulatory Group, the Chemical Industries Council of Illinois, representatives of Illinois Power and GE Plastics, as well as representatives from the Sierra Club and the Chicago Lung Association. The Illinois Environmental Protection Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel Kroack
Illinois Environmental Protection Agency
2200 Churchill Road

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2-O. Box 19276
Springfield, IL 62794-9276
(217) 524-3333

1.) Part(s) and (Heading(s) and Code Citation(s)):

Introduction (35 Ill. Adm. Code 301)
Water Quality Standards (35 Ill. Adm. Code 302)
Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)
Effluent Standards (35 Ill. Adm. Code 304)
Performance Criteria (35 Ill. Adm. Code 306)

1.) Rulemaking: Docket number R92-8

A) Description: On September 3, 1992, the Board accepted a proposal for hearing to amend portions of the water pollution control rules that would further limit discharges of toxic pollutants. The proposal was filed by the Illinois Chapter of the Sierra Club, Citizens for a Better Environment, Lake Michigan Federation, and the McHenry County Defenders. The Board docketed this rulemaking as R92-8, and has held 3 hearings concerning the proposal. There was a hiatus in hearings at the proponent's request to allow for meetings between them, affected industries, and the Illinois Environmental Protection Agency (Agency).

In a statement accompanying the proposal, the petitioners noted that "[t]he amendments to the water quality rules proposed are designed to limit further and eventually eliminate the discharge of toxic and bioaccumulative pollutants, establish more enforceable water quality criteria, develop effective plans for limiting pollution in watersheds seriously affected by nonpoint pollution." Specifically proposed are additional numeric general water quality standards for 36 chemicals, methods to determine whole effluent toxicity-based criteria, and methods to determine and utilize bioaccumulation factors. The petitioners proposed to limit the term of site-specific rules and exemptions to five years as well as to require inclusion and consideration of additional information in applications for NPDES and pretreatment permits. This proposal also requests the addition of a Watershed Planning Process, which would require development of a comprehensive watershed plan for waterbodies that contain chemicals contaminants in excess of water quality standards or which fail to meet newly proposed biological integrity standards.

The Board has not as yet made a decision on the merits of the proposal. Currently pending before the Board are various motions

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to strike or otherwise rule on the viability of portions of the proposal. These motions were filed by the Agency and several members of the regulated community. The briefing schedule for these motions established by order of April 6, 1995, has just concluded. The Board anticipates ruling on the motions in Summer, 1995.

3.) Statutory Authority: Sections 13 and 27 of the Environmental Protection Act (415 ILCS 5/13 and 27).

2.) Scheduled meeting/hearing dates: None presently scheduled. (see (A) above).

2.) Date agency anticipates First Notice: Summer or Fall, 1995. If the Board decides to proceed with all of any part of the proposal. (see (A) above).

2.) Affect on small business, small municipalities or not for profit corporations: Any which may discharge toxic or bioaccumulative water pollutants.

2.) Agency contact person for information: Address written comments concerning the substance of the rulemaking, Office Socket Number R92-8, as follows:

Dorothy Murar, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R92-8, as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6923

3.) Related Rulemakings and other pertinent information: As the water regulations are inter-related, adoption of any segment of this proposal might also necessitate addition of a new 35 Ill. Adm. Code 313 for Watershed Planning rules.

m) Part(s) (Heading(s) and Code Citation(s)):

Water Quality Standards (35 Ill. Adm. Code 302)

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Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)
 Effluent Standards (35 Ill. Adm. Code 304).

A) Rulemaking: Docket number R95-14

1) Description: In this proceeding, the Metropolitan Water Reclamation District of Greater Chicago District, proposes that the Board grant a site-specific regulation for the General Use chronic water quality standard for weak acid dissociable cyanide. The revised cyanide standard would apply to parts of Salt Creek, Higgins Creek, the West Branch of the DuPage River, and the Des Plaines River, and to discharges of the District's John E. Ryan and James C. Kille water reclamation plants.

2) Statutory Authority: Section 27 of the Environmental Protection Act (415 ILCS 5/27).

3) Scheduled meeting/hearing dates: A hearing was held on June 30, 1995. No additional hearings are presently anticipated.

4) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board anticipates a vote on the proposal in Summer or Fall of 1995. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

5) Affect on small business, small municipalities or not for profit corporations: This site-specific rulemaking may affect small businesses, small municipalities or not for profit corporations in Illinois to the extent the affected entities are affected by the Metropolitan Water Reclamation District's chronic water quality standard for weak acid dissociable cyanide.

6) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R95-14, as follows:

Dorothy Gunn, Clerk
 Pollution Control Board
 100 West Randolph Street, Suite 11-500
 Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R95-14, as follows:

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Audrey Gorkuk-Lawless, Esq.
 Pollution Control Board
 100 West Randolph Street, Suite 11-500
 Chicago, IL 60601
 (312) 914-6923

1) Related Rulemakings and other pertinent information: Other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 302, 303 or 304, including the water quality standards for weak acid dissociable cyanide.

2) Part(s) (Heading(s) and Code Citation(s)):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)
 Pretreatment Programs (35 Ill. Adm. Code 310)

3) Rulemaking: Presently reserved docket number R95-22

4) Description: Section 13.3 of the Environmental Protection Act (415 ILCS 5/13.3 (1992)) mandates that the Board update the Illinois wastewater pretreatment regulations to reflect the U.S. EPA wastewater pretreatment rules.

The Board has reserved docket number R95-22 to accommodate any amendments to the 40 CFR 300 through 199 that U.S. EPA may make in the period January 1 through June 30, 1995 relating to wastewater pretreatment. At this time, the Board is unaware of any such amendments during this period to date. The Board will verify any federal actions in coming weeks. If that verification indicates that none have occurred, the Board will dismiss the docket. If amendments are then indicated, the Board will propose corresponding amendments to the wastewater pretreatment regulations using the identical in-substance procedure.

5) Statutory Authority: Sections 13, 13.3 and 27 of the Environmental Protection Act (415 ILCS 5/13, 13.3 & 27).

6) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical in-substance proceedings.

7) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by August, 1995, after which time the Board would cause a Notice of Proposed Amendments to appear in the Register if any federal amendments have occurred. Section

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13.3 of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

- 2) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

- 3) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R95-22, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R95-22, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 314-6924

- 4) Related Rulemakings and other pertinent information: Other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 307 or 310.

Section 13.3 of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100.5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first Notice or to Second Notice review by ICAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

- o) Part(s) (Heading(s) and Code Citation(s)): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

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- 1) Rulemaking: Presently reserved docket number R95-17

- A) Description: Section 17.5 of the Environmental Protection Act (Act) (415 ILCS 5/17.5 (1992)) mandates that the Board update the Illinois SDWA to reflect the U.S. EPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R95-17 to accommodate any amendments to the 40 CFR 141, 142, and 143 SDWA primary drinking water regulations that U.S. EPA may make in the period January through June 30, 1995. At this time, the Board is unaware of any such amendments during this period to date. The Board will verify any federal actions in coming weeks. If that verification indicates that none have occurred, the Board will dismiss the docket. If amendments are then indicated, the Board will propose corresponding amendments to the SDWA regulations using the identical-in-substance procedure.

- 3) Statutory Authority: Sections 17, 17.3, and 27 of the Environmental Protection Act (415 ILCS 5/17, 17.3 & 27).

- 2) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- 2) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by August, 1995, after which time the Board would cause a Notice of Proposed Amendments to appear in the Register if any federal amendments have occurred. Section 17.5 of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

- 2) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities are a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

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- B) Agency contact person for information: Address **written comments** concerning the substance of the rulemaking, noting docket number R95-17, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address **questions** concerning this regulatory agenda, noting docket number R95-17, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
312) 914-6924

- C) Related Rulemakings and other pertinent information: Other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 611.

Section 17.5 of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100 5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

F) Part(s) (Heading(s) and Code Citation(s)):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

- i) Rulemaking: Presently reserved docket number **R95-18**

- A) Description: Section 13(c) of the Environmental Protection Act (Act) [415 ILCS 5/13(c) (1992)] mandates that the Board update the Illinois underground injection control (UIC) to reflect amendments to the U.S. EPA UIC rules.

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The Board has reserved docket number **R95-18** to accommodate any amendments to the 40 CFR 146 and 148 that U.S. EPA may make in the period January 1 through June 30, 1995. At this time, the Board is unaware of any such amendments during this period to date. The Board will verify any federal actions in coming weeks. If that verification indicates that none have occurred, the Board will dismiss the docket. If amendments are then indicated, the Board will propose corresponding amendments to the UIC regulations using the identical-in-substance procedure.

- B) Statutory Authority: Sections 13(c) and 27 of the Environmental Protection Act (415 ILCS 5/13(c) & 27).

- C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by August, 1995, after which time the Board would cause a Notice of Proposed Amendments to appear in the Register if any federal amendments have occurred. Section 13(c) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

- E) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the underground injection of hazardous waste.

- F) Agency contact person for information: Address **written comments** concerning the substance of the rulemaking, noting docket number R95-18, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address **questions** concerning this regulatory agenda, noting docket number R95-18, as follows:

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Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6924

The Board has reserved docket number R95-20 to accommodate any amendments to the 40 CFR 260 through 272 that U.S. EPA may make in the period January 1 through June 30, 1995. The Board is presently aware of several federal actions during the time-period:

5) Related Rulemakings and Other Pertinent Information: Other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 702 and 705, primarily amendments to the Illinois RCRA Subtitle C regulations.

Section 13(c) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

7) Part(s) (Heading(s) and Code Citation(s)):

RCRA and HIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for the Management of Uses Oil (35 Ill. Adm. Code 733)

1) Rulemaking: Presently reserved docket number R95-20

A) Description: Section 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(a) (1992)] mandates that the Board update the Illinois RCRA Subtitle C regulations to reflect the U.S. EPA amendments that occurred at this time.

January 3, 1995, at 60 Fed. Reg. 242, U.S. EPA corrected the Phase II Land Disposal Restrictions (LDRs).

January 13, 1995, at 60 Fed. Reg. 3089, U.S. EPA updated the reference for testing methods for demonstrating compliance with the hazardous waste rules.

February 9, 1995, at 60 Fed. Reg. 7824, U.S. EPA added six wastes generated in carbamate production to those that are regulated as listed hazardous wastes.

April 4, 1995, at 60 Fed. Reg. 17001, U.S. EPA updated the pH (acidity) measurement methods for use in identifying whether a solid waste material is a hazardous waste.

April 17, 1995, at 60 Fed. Reg. 19165, U.S. EPA corrected minor errors in the February 9, 1995 carbamate production waste amendments.

May 11, 1995, at 60 Fed. Reg. 25492, U.S. EPA adopted the universal waste rules for streamlined management of certain high-volume hazardous wastes.

May 12, 1995, at 60 Fed. Reg. 25619, U.S. EPA corrected minor errors in the April 17, 1995 corrections to the carbamate production waste amendments.

May 19, 1995, at 60 Fed. Reg. 26828, U.S. EPA delayed the effective date of the December 6, 1995 Support LC air emissions requirements for tanks, containers, and surface impoundments used to manage hazardous waste.

At this time, the Board is unaware of any other amendments to the federal RCRA Subtitle C rules during this period to date. The Board will verify any additional federal actions in coming weeks. When our knowledge of federal activities during the time period is complete, the Board will propose corresponding amendments to the RCRA Subtitle C regulations using the identical-in-substance procedure. However, the amendments of January 3 and May 19, 1995 will not be parts of the R95-20 RCRA Subtitle C update; on June 1, 1995, the Board adopted amendments in consolidated docket R95-4/R95-6 based on those federal actions because they were

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closely related to the other amendments involved in that docket.

Section 22.4(a) mandates that the Board complete the amendments within one year of the date on which U.S. EPA adopted its action upon which the amendments are based. In Docket 895-20, the earliest federal amendments in the applicable period upon which the Board has not yet taken action occurred on January 10, 1995. That means that the due date for the 895-20 amendments is presently January 10, 1996.

3) Statutory Authority: Sections 22.4(a) and 27 of the Environmental Protection Act (415 ILCS 5/22.4(a) & 27).

2) Scheduled Hearing Dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

1) Date Agency Anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by August, 1995, after which time the Board would cause a Notice of Proposed Amendments to appear in the Register if any federal amendments have occurred. Section 22.4(a) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

2) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste.

3) Agency contact person for information: Address **written comments** concerning the substance of the rulemaking, noting docket number 895-20, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address **questions** concerning this regulatory agenda, noting

POLLUTION CONTROL BOARD

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docket number 895-20, as follows:

Michael T. McGambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
312) 844-9324

3) Related Rulemakings and other pertinent information: Other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, or 739 rules, especially any amendments to the Illinois underground injection control (UIC) regulations.

Section 22.4(a) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

2) Part(s) (Heading(s) and Code Citation(s)):

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Requirements for New Steel and Foundry Industry Wastes Landfills (35 Ill. Adm. Code 817)

1) Rulemaking: Docket number **894-34**

A) Description: The Illinois Pollution Control Board was requested by the Illinois Environmental Protection Agency to conduct an inquiry hearing on the regulatory requirements for landfills located in Illinois' floodplains. The Agency and other interested persons offered testimony on these questions: 1) Whether landfills should be located or prohibited from location within the floodplain; 2) Should the entire floodplain be regulated or just the floodway; 3) Should just the 100-year floodplain be regulated or also the 500-year floodplain; and 4) If the Board decides that facilities should be regulated or prohibited from location within the floodplain, then should the

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new regulation affect currently permitted facilities or just new facilities and expansions?

- 3) Statutory Authority: Sections 5 and 27 of the Environmental Protection Act. [415 ILCS 5/5 and 27.]

- 2) Scheduled meeting/hearing dates: A hearing was held June 28, 1995. A public comment period will be open until August 15, 1995. No additional hearings are presently scheduled.

- 2) Date agency anticipates First Notice: After review of the hearing transcript and public comments, the Board will determine whether future hearings will be needed or whether a rulemaking docket should be opened. No determination has been made at this time as to whether a First Notice proposal will be adopted.

- 2) Affect on small business, small municipalities or not for profit corporations: Any which operate landfills may be affected if current rules are changed in any way.

- 2) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R94-34, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R94-34, as follows:

Musette H. Vogel, Attorney
Pollution Control Board
500 South Second Street, Suite 402
Springfield, IL 62704
(217) 524-4509

- 3) Related Rulemakings and other pertinent information: None.

- 5) Part(s) (Heading(s) and Code Citation(s)): Underground Storage Tanks (35 Ill. Adm. Code 731)

- 1) Rulemaking: Presently reserved docket number R95-21

- A) Description: Section 22.4(d) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(d) (1992)] mandates that the Board update

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the Illinois underground storage tank (UST) regulations to reflect amendments to the U.S. EPA UST regulations, but not including amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibility for USTs.

The Board has reserved docket number R95-21 to accommodate any amendments to the 40 CFR 281 that U.S. EPA may make in the period January 1 through June 30, 1995. At this time, the Board is unaware of any such amendments that would fall within the scope of our mandate during this period to date. The Board will verify any federal actions in coming weeks. If that verification indicates that none have occurred, the Board will dismiss the docket. If amendments are then indicated, the Board will propose corresponding amendments to the UST regulations using the identical-in-substance procedure.

- 3) Statutory Authority: Sections 22.4(d) and 27 of the Environmental Protection Act [415 ILCS 5/22.4(d) & 27].

- 2) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- 2) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by August, 1995, after which time the Board would cause a Notice of Proposed Amendments to appear in the Register if any federal amendments have occurred. Section 22.4(d) of the Act provides that the Board must adopt amendments based on the federal amendments received within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

- 3) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the operation or ownership of USTs, but not including amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial

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responsibility for USMs.

- 2) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R95-21, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R95-21, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
312) 914-6924

- 3) Related Rulemakings and other pertinent information: Other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 731.

Section 22.4(d) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

- 4) Part(s) (Heading(s) and Code Citation(s)): Petroleum Underground Storage Tanks (35 Ill. Adm. Code 732)

- 5) Rulemaking: Docket number R94-2(B)

- A) Description: By February 9, 1995, the Illinois Environmental Protection Agency filed a regulatory proposal with the Board seeking certain amendments to Part 732. On September 15, 1994, the Board adopted new Part 732 in its entirety, and at the same time created a sub-docket for the development of objective risk-based soil remediation numbers or risk-based methodologies. The Agency's recent proposal addresses these issues, all of which involve leaking underground storage tanks.

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- 3) Statutory Authority: Sections 27 and 28, and 57-57.17 of the Environmental Protection Act (415 ILCS 5/27, 5/28 and 5/57-57.17).

- 2) Scheduled meeting/hearing dates: Hearings were held in this matter on March 28 and April 25, 1995. The rulemaking was stayed on April 25, 1995 for 90-90 days while the participants negotiate various aspects of the Agency's proposal having to do with risk-based corrective action. Additional hearings may be scheduled by the Board in late Summer or early Fall, 1995.

- 2) Date agency anticipates First Notice: Upon completion of all pre-first notice hearings in this matter, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote by the Board to propose amendments. This may occur in Fall, 1995. A public comment period pursuant to the Administrative Procedure Act will be open for 45 days on the Notice of Proposed Amendments.

- 2) Affect on small business, small municipalities or not for profit corporations: The Pollution Control Board anticipates that small businesses, not for profit corporations and small municipalities may be affected by this rule.

- 2) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R94-2(B), as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R94-2(B), as follows:

Musette H. Vogel, Attorney
Pollution Control Board
500 South Second Street, Suite 402
Springfield, IL 62704
(217) 524-8509

- 3) Related Rulemakings and other pertinent information: None.

- u) Part(s) (Heading(s) and Code Citation(s)):

Solid Waste (35 Ill. Adm. Code 807)

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Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810) Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811) Information to be Submitted in a Permit Application (35 Ill. Adm. Code 812) Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813) Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814) Procedural Requirements for all Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Presently reserved docket number 895-19

A) Description: Section 22.40(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.40(a) (1992)) mandates that the Board update the Illinois RCRA Subtitle D municipal solid waste landfill to reflect the U.S. EPA amendments to the federal RCRA Subtitle D rules.

The Board has reserved docket number 895-19 to accommodate any amendments to the 40 CFR 258 RCRA Subtitle D regulations that U.S. EPA may make in the period January 1 through June 30, 1995. On April 7, 1995, at 60 Fed. Reg. 17649, U.S. EPA amended the federal rules to delay the effective date of the financial assurance requirements. The Board immediately commenced that proceeding on May 4, 1995, by proposing corresponding amendments to the Illinois regulations under separate docket 895-13. Those amendments will not become a segment of any amendments under docket number 895-16. At this time, the Board is unaware of any other amendments to the federal RCRA Subtitle D rules during this period to date. The Board will verify any federal actions in coming weeks. If that verification indicates that none have occurred, the Board will dismiss the docket. If amendments are then indicated, the Board will propose corresponding amendments to the RCRA Subtitle D regulations using the identical-in-substance procedure.

B) Statutory Authority: Sections 22.40(a) and 27 of the Environmental Protection Act (415 ILCS 5/22.40(a) & 27).

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by August, 1995, after which time the Board would cause a Notice of Proposed Amendments to appear in the Register if any federal amendments have occurred. Section

22.40(a) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the land disposal of municipal solid waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number 895-19, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda. Noting docket number 895-19, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6924

G) Related Rulemakings and other pertinent information: Other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 807, 810, 811, 812, 813, 814, or 815.

Section 22.40(a) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act's ILCS 100.5-35 and 5-40 shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by ICAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

v) Part(s) (Heading(s) and Code Citation(s)): Special Waste Hauling Vehicle

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Numbers (35 Ill. Adm. Code 809.401)

1) Rulemaking: Docket number 895-11

1) Description: On March 16, 1995, the Board opened this rulemaking docket for the purpose of considering an amendment to the vehicle number provisions of the Special Waste Hauling regulations. The Board received a request from the Association of Waste Hazardous Materials Transporters on February 22, 1995 that the Board amend Section 809.401 in order to make this section consistent with federal law. As the section is currently written, it may be subject to a preemption challenge before the U.S. Department of Transportation.

2) Statutory Authority: Sections 22, 22.01 and 27 of the Environmental Protection Act (415 ILCS 5/22, 22.01 and 27).

3) Scheduled meeting/hearing dates: Hearings were held in this matter on June 7, 1995 and June 21, 1995.

4) Date agency anticipates First Notice: A public comment period is open until July 15, 1995 pursuant to the Board's procedural rules. Thereafter, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote by the Board to propose amendments. A second public comment period pursuant to the Administrative Procedure Act will be open for 45 days on the Notice of Proposed Amendments.

5) Affect on small business, small municipalities or not for profit corporations: The Pollution Control Board anticipates that small businesses, not for profit corporations and small municipalities may be affected by this rule.

6) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number 895-11, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number 895-11, as follows:

Musette H. Vogel, Attorney
Pollution Control Board
600 South Second Street, Suite 402

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Springfield, IL 62704
(217) 524-8509

2) Related Rulemakings and other pertinent information: None.

3) Part(s) (Heading(s) and Code Citation(s)): Special Waste Hauling Vehicle Numbers (35 Ill. Adm. Code 809.401)

1) Rulemaking: No docket presently reserved.

2) Description: Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Illinois Pollution Control Board (Board). The proposed amendments will update the requirements currently found in 35 Ill. Adm. Code 809 that the Agency believes have become outdated over time.

3) Statutory Authority: Sections 22, 22.01 and 27 of the Environmental Protection Act (415 ILCS 5/22, 22.01 and 27).

4) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will hold hearings.

5) Date agency anticipates First Notice: A fall, 1995 submittal to the Board is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the Register.

6) Affect on small business, small municipalities or not for profit corporations: This rule may affect those entities that haul special wastes.

7) Agency contact person for information:

Kathleen Crowley
Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
(312) 814-6929

8) Related Rulemakings and other pertinent information: Docket 895-11 described in (v) above, also amends Part 809. For information about the Agency's process of development of this proposal, the contact person at the Illinois Environmental Protection Agency is:

Kimberly A. Robinson

POLLUTION CONTROL BOARD

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2200 Churchill Road
Division of Legal Counsel
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

- 2) Part(s) (Heading(s) and Code Citation(s)): Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810.103)

1) Rulemaking: Docket number R95-9

Description: This proposal to amend the Board's solid waste disposal regulations was jointly filed by the Illinois Farm Bureau, Illinois Beef Association, Illinois Lamb and Wool Producers, Inc., Illinois Milk Producers Association, and the Illinois Pork Producers Association (joint proponents). The rulemaking amends the Board's solid waste disposal regulations to clarify that an on-farm site used for the burial disposal of dead animals, where the disposal is conducted in accordance with the Illinois Dead Animal Disposal Act (225 ILCS 610.1 et seq.), does not constitute a landfill subject to the Board's regulations governing landfills.

- 3) Statutory Authority: Section 27 of the Environmental Protection Act (415 ILCS 5/27).

4) Scheduled meeting/hearing dates: Hearings were held on this rulemaking on April 3, 1995 in Dekalb and April 10, 1995 in Springfield. No additional hearings are presently anticipated.

5) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board adopted the joint proponents proposal for purpose of first notice on May 18, 1995 and caused a First Notice of Proposed Amendments to appear in the Illinois Register. The Board will accept public comments on the proposal for 45 days after the date of publication.

6) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois that engage in housing of animals, including but not limited to, equine, canine, poultry and livestock producers (e.g., swine, bovine, caprine).

7) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number

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R95-9, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number R95-9, as follows:

Audrey Lozuk-Lawless, Esq.
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6923

- 3) Related Rulemakings and other pertinent information: Other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 810, including the definition of "dead animal disposal site".

- 7) Part(s) (Heading(s) and Code Citation(s)): Standards for Existing Landfills and Units (35 Ill. Adm. Code 814.901 & 814.902)

1) Rulemaking: Docket number R94-30

A) Description: In docket R94-30, Commonwealth Edison (ComEd) seeks to have the Joliet/Lincoln Quarry site designated as a surface impoundment. Alternatively, ComEd seeks a site-specific rule applicable to this site which would modify the application of the following regulations to the site: the leachate management standards of 35 Ill. Adm. Code 811.020(b)(1); the groundwater monitoring requirements for organic constituents of 35 Ill. Adm. Code 811.020(a)(2) and (a)(3); the monitoring well location standards of 35 Ill. Adm. Code 811.020(b); the groundwater quality standards of 35 Ill. Adm. Code 811.020(c) for establishing the zone of attenuation; the groundwater quality standards of 35 Ill. Adm. Code 620.440(b); and the final cover requirements of 35 Ill. Adm. Code 811.034.

- 3) Statutory Authority: Sections 27 and 28.1 of the Environmental Protection Act (415 ILCS 5/27 and 5/28.1(a)).

4) Scheduled meeting/hearing dates: A hearing in R94-30 has been scheduled for July 11, 1995 at 10:00 a.m., at the Will County Courthouse, 14 West Jefferson, Joliet, IL. This hearing will be for the limited purpose of presentation of evidence and argument

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on the issue of whether the Poliet/Lincoln quarry site is properly designated as a surface impoundment or, alternatively, as a landfill.

2) Date agency anticipates First Notice: A notice of proposed amendment would be expected in the fall of 1995. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

3) Affect on small business, small municipalities or not for profit corporations: The Pollution Control Board anticipates that small businesses, small municipalities, and not-for-profit corporations will not be affected by this rule.

4) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number 894-30, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
200 West Randolph Street, Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda, noting docket number 895-30, as follows:

Kevin G. Desharnais, Attorney
Pollution Control Board
200 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6926

5) Related Rulemakings and other pertinent information: Other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 814.

1) Rulemaking:

A) Description: This Part governs the use of liquefied petroleum gases and compressed natural gas as propellant fuel in school buses. The installation, maintenance and

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a) Part(s) (Heading and Code Citation): Prequalification of Contractors and Issuance of Plans and Proposals: 41 Ill. Adm. Code 600

1) Rulemaking:

A) Description: The purpose of this Part is to establish policies and procedures to allow the Illinois Department of Transportation to fulfill its obligations to award all construction and maintenance contracts to the lowest responsive and responsible bidder by prequalifying contractors to determine their responsibility. This rulemaking will address metrification, conformance to current accounting practices, and, an overall refinement of the rules.

3) Statutory Authority: Implementing Section 6 of the Illinois Purchasing Act (30 ILCS 505-1) and Section 4-103 of the Illinois Highway Code (605 ILCS 5-4-103), and authorized by Section 4-201.1 of the Illinois Highway Code 605 ILCS 5-4-201.1 and Section 5.2 of the Illinois Purchasing Act (30 ILCS 505 5.2).

2) Scheduled meeting hearing date: None scheduled

3) Date agency anticipates First Notice: Unknown

3) Effect on small businesses, small municipalities or not for profit corporations: No effect is anticipated.

4) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3225

3) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Alternate Fuel Systems for School Buses: 92 Ill. Adm. Code 449

1) Rulemaking:

A) Description: This Part governs the use of liquefied petroleum gases and compressed natural gas as propellant fuel in school buses. The installation, maintenance and

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operation of such fuel systems are covered by this Part. This rulemaking will add a grandfather clause for alternately fueled school buses which were in existence before February 26, 1990.

- B) Statutory Authority: Implementing and authorized by Section 12-812.1 of the Illinois Vehicle Equipment Law (625 ILCS 5-12-312.1).

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: July 1995

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses and municipalities that own or operate alternately fueled school buses in Illinois.

- F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
Telephone: 217-782-3215

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation):
 Procedures, 92 Ill. Adm. Code 107; General Information, Regulations and Definitions, 92 Ill. Adm. Code 171; Hazardous Materials Table & Hazardous Materials Communications, 92 Ill. Adm. Code 172; Shippers General Requirements for Shipments and Packaging, 92 Ill. Adm. Code 173; Carriage by Public Highway, 92 Ill. Adm. Code 177; Shipping Container Specifications, 92 Ill. Adm. Code 178; Specifications for Park Cars, 92 Ill. Adm. Code 179; Continuing Qualification and Maintenance of Packaging, 92 Ill. Adm. Code 180

- i) Rulemaking:

- A) Description: These rulemakings will update the Department's Hazardous Materials Transportation Regulations to include all federal rulemakings and any state legislative changes.

- B) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous

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Materials Transportation Act (430 ILCS 30/4(a) and 3(a)).

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: September 1995

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses that operate vehicles under the Illinois Hazardous Materials Transportation Regulations.

- F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
Telephone: 217-782-3215

- G) Related rulemakings and other pertinent information: None

- i) Part(s) (Heading and Code Citation): School Bus Pretrip Inspection Requirements, 92 Ill. Adm. Code _____

- 1) Rulemaking:

- A) Description: The purpose of this rulemaking will be to establish a new Part which addresses pretrip inspection requirements alone, as a separate rule, to be used by school bus drivers and administrators. Currently, the pretrip inspection requirements are included as part of the school bus inspection manual which is used by Official Testing Stations. The pretrip inspection requirements should stand alone as a separate rule. No new procedures or changes to the program are anticipated at this time.

- B) Statutory Authority: Section 13-115 of the Illinois Vehicle Code (625 ILCS 5/13-115).

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: October 1995

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses and municipalities that operate school buses.

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F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
 Address: Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
 Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Official Testing Stations, 92 Ill. Adm. Code 148

1) Rulemaking:

A) Description: This part, governing Official Testing Stations, will be reorganized, rewritten, and updated.

B) Statutory Authority: Implementing and authorized by Section 12-711 and 12-503 of the Illinois Vehicle Equipment Law, 625 ILCS 5/12-711 and 12-503, the Illinois Vehicle Inspection Law (625 ILCS 5/13) and Section 6-410 of the Illinois Driver's Licensing Law, 625 ILCS 6-6-410.

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: December 1995

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses and municipalities that own or operate Illinois Official Testing Stations.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
 Address: Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
 Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Appendix G Vehicle Inspection Manual, 92 Ill. Adm. Code _____

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1) Rulemaking:

A) Description: This rulemaking will establish an administrative rule which addresses the "Appendix B" truck inspection procedures.

B) Statutory Authority: Implementing and authorized by Section 13-101 of the Illinois Vehicle Code (625 ILCS 5/13-101).

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: December 1995

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses and municipalities that own or operate Illinois Official Testing Stations.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
 Address: Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
 Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Minority Contractors, 44 Ill. Adm. Code 645

1) Rulemaking:

A) Description: This Part established procedures for assisting contractors in meeting their MBE goal and for obtaining a modification or waiver of the use of minority subcontractors if a good faith effort was made by the contractor to comply with the goal. In addition, this Part established hearing procedures in the case of noncompliance to determine whether the general contractor utilized good faith efforts to secure minority contractors. This Part is being repealed because the provisions are obsolete, and federally approved provisions are currently contained in the construction contract. An administrative rule is no longer needed.

B) Statutory Authority: 30 ILCS 505

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- 1) Scheduled meeting/hearing date: None scheduled
- 2) Date agency anticipates First Notice: Summer 1995
- 3) Effect on small businesses, small municipalities or not for profit corporations: No effect because federally approved procedures are currently part of the construction contract.

4) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
Telephone: 217-782-3215

5) Related rulemakings and other pertinent information: None

- 6) Part(s) (Heading and Code Citation): Railroad Maintenance by Contract: 44 Ill. Adm. Code 655

1) Rulemaking:

- 1) Description: This Part will be amended by repealing Section 655.30, Prequalification of Bidders. This Section is obsolete since the promulgation of 44 Ill. Adm. Code 650, Prequalification of Contractors and Issuance of Plans and Proposals in 1994.

- 2) Statutory Authority: 30 ILCS 505

- 3) Scheduled meeting/hearing date: None scheduled

- 4) Date agency anticipates First Notice: Summer 1995

- 5) Effect on small businesses, small municipalities or not for profit corporations: No effect since prequalification procedures are covered by 44 Ill. Adm. Code 650.

6) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
Telephone: 217-782-3215

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- G) Related rulemakings and other pertinent information: 44 Ill. Adm. Code 675

- 1) Part(s) (Heading and Code Citation): Highway Construction by Contract: 44 Ill. Adm. Code 675

1) Rulemaking:

- 1) Description: This Part will be amended by repealing Section 675.30, Prequalification of Bidders. This Section is obsolete since the promulgation of 44 Ill. Adm. Code 650, Prequalification of Contractors and Issuance of Plans and Proposals in 1994.

- 2) Statutory Authority: 605 ILCS 5/4-201.1 and 30 ILCS 505/5

- 3) Scheduled meeting/hearing date: None scheduled

- 4) Date agency anticipates First Notice: Summer 1995

- 5) Effect on small businesses, small municipalities or not for profit corporations: No effect since prequalification procedures are covered by 44 Ill. Adm. Code 650.

6) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
Telephone: 217-782-3215

- 7) Related rulemakings and other pertinent information: 44 Ill. Adm. Code 655

- 8) Part(s) (Heading and Code Citation): Policy on Permits for Access Driveways to State Highways: 92 Ill. Adm. Code 550

1) Rulemaking:

- 1) Description: This Part established procedures for securing a permit for the construction of any new access driveway or the revision of any existing driveway within the right-of-way along a State highway when the work is to be done by any person or agency other than the Department of Transportation. The Department intends to make technical revisions to this Part.

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- B) Statutory Authority: 6.5 ILCS 5/4-211, 4-212, and 4-212
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates first notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will impact small businesses, not for profit corporations, and small communities desiring a permit under this Part.
- F) Agency contact person for information:
 Name: Christine Caronna-Beard, Rules Manager
 Address: Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
 Telephone: 217-782-3215
- G) Related rulemakings and other pertinent information: None
- 4) Part(s) (Heading and Code Citation): Rules on Transporting Pupils Where Walking Constitutes a Serious Safety Hazard: 92 Ill. Adm. Code 556
- 1) Rulemaking:
 A) Description: This Part established guidelines and procedures for determining the existence of a serious safety hazard. This Part applies to students residing within 1-1/2 miles from the school attended where conditions are such that walking constitutes a serious hazard to the safety of the pupils, and adequate transportation for the public is not available. This Part applies to serious safety hazards encountered by school children walking on or along roadways, crossing roadways and crossing railroad tracks. This rulemaking will make technical revisions to the Part.
- B) Statutory Authority: .05 ILCS 5/29-3
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates first notice: Autumn 1995
- E) Effect on small businesses, small municipalities or not for profit corporations: No effect

DEPARTMENT OF TRANSPORTATION

JULY 1995 REGULATORY AGENDA

- F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
 Address: Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
 Telephone: 217-782-3215

- G) Related rulemakings and other pertinent information: None

- 1) Part(s) (Heading and Code Citation): Business Logo Signing Program: 26 Ill. Adm. Code 542

1) Rulemaking:

- A) Description: This Part was established to regulate the use of business logos displayed along various interstate highways. It established standards, specifications, and financial responsibility for a program of placing business logos on specific service panels. The displayed business logos provide motorists with travel related directional information to facilities offering gas, food, lodging, and camping. The Department will propose technical changes in this upcoming rulemaking.

- B) Statutory Authority: 225 ILCS 140/4.08 and 14.01 and 605 ILCS 5/4-201.1

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates first notice: Autumn 1995

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses and possibly not for profit organizations. Small municipalities will not be impacted by this rule.

- F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
 Address: Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
 Telephone: 217-782-3215

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF TRANSPORTATION

JULY 1995 REGULATORY AGENDA

m) Part(s) (Heading and Code Citation): Tourist Oriented Directional Signing: 92 Ill. Adm. Code _____

1) Rulemaking:

A) Description: This Part will establish standards, specifications, and financial responsibility for a program of placing tourist oriented business signs along various state highways in rural areas. The displayed signs will provide motorists with directional information to facilities providing services to tourists.

B) Statutory Authority: 605 ILCS 5/4-201.1, 625 ILCS 5/11-303, and 225 ILCS 440/4.01

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Will impact small businesses and possibly not for profit corporations and small municipalities interested in displaying signs.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-1215

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

JAMES R. THOMPSON CENTER
ROOM 16-803
CHICAGO, ILLINOIS
10:00 A.M.
JULY 26, 1995

NOTICES: Due to Register submittal deadlines, the Agenda below is incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at its May meeting.

It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
300 Stratton Building
Springfield, Illinois 62766

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Central Management Services

Conditions of Employment (80 Ill Adm Code 303)
-First Notice Published: 13 Ill Reg 6222 - 5/5/95
-Expiration of Second Notice Period: 9/4/95

Commerce Commission

Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (33 Ill Adm Code 600)

- First Notice Published: 19 Ill Reg 5177 - 4/7/95
- Expiration of Second Notice Period: 8/11/95

Conservation

Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck Groundhog)

- First Notice Published: 19 Ill Reg 6389 - 5/12/95
- Expiration of Second Notice Period: 8/11/95

The Taking of Wild Turkeys - Fall Gun Season (17 Ill Adm Code 615)

- First Notice Published: 19 Ill Reg 6408 - 5/12/95
- Expiration of Second Notice Period: 8/11/95

The Taking of Wild Turkeys - Fall Archery Season (17 Ill Adm Code 720)

- First Notice Published: 19 Ill Reg 6401 - 5/12/95
- Expiration of Second Notice Period: 8/11/95

Dog Training on Department-Owned or -Managed Sites (17 Ill Adm Code 950)

- First Notice Published: 19 Ill Reg 6375 - 5/12/95
- Expiration of Second Notice Period: 8/11/95

Education

Public Schools Evaluation, Recognition and Supervision (23 Ill Adm Code 1)

- First Notice Published: 19 Ill Reg 4783 - 3/31/95
- Expiration of Second Notice Period: 8/3/95

Environmental Protection Agency

Annual Testing Fees for Analytical Services (35 Ill Adm Code 691)

- First Notice Published: 19 Ill Reg 356 - 3/24/95
- Expiration of Second Notice Period: 3/3/95

Fire Marshal

Boiler and Pressure Vessel Safety (41 Ill Adm Code 120)

- First Notice Published: 19 Ill Reg 2557 - 3/10/95
- Expiration of Second Notice Period: 8/11/95

Storage, Transportation, Sale and Use of Liquefied Petroleum Gases (41 Ill Adm Code 200)

- First Notice Published: 19 Ill Reg 2576 - 3/10/95
- Expiration of Second Notice Period: 7/27/95

Insurance

Repeal of Foreign and Alien Insurer Annual Audited Financial Reports (50 Ill Adm Code 601)

- First Notice Published: 19 Ill Reg 2376 - 3/1/95
- Expiration of Second Notice Period: 8/11/95

Annual Audited Financial Report (50 Ill Adm Code 925)

- First Notice Published: 19 Ill Reg 2587 - 3/10/95
- Expiration of Second Notice Period: 8/11/95

Labor

Health and Safety (56 Ill Adm Code 350)

- First Notice Published: 19 Ill Reg 2603 - 3/10/95
- Expiration of Second Notice Period: 7/27/95

Nuclear Safety

Fees for By-Product Material Licenses (32 Ill Adm Code 334)

- First Notice Published: 19 Ill Reg 5321 - 4/21/95
- Expiration of Second Notice Period: 9/5/95

Professional Regulation

Private Detective, Private Alarm and Private Security Act of 1993 (68 Ill Adm Code 1240)

- First Notice Published: 19 Ill Reg 6445 - 5/12/95
- Expiration of Second Notice Period: 8/9/95

The Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill Adm Code 1465)

- First Notice Published: 19 Ill Reg 6131 - 4/28/95
- Expiration of Second Notice Period: 7/27/95

Public Aid

Medical Assistance Programs (89 Ill Adm Code 120)

- First Notice Published: 19 Ill Reg 5923 - 4/21/95
- Expiration of Second Notice Period: 8/6/95

Public Health

Hospital Licensing Requirements (77 Ill Adm Code 250)

- First Notice Published: 19 Ill Reg 2673 - 3/10/95
- Expiration of Second Notice Period: 8/2/95

Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)

-First Notice Published: 18 Ill Reg 11873 - 7/29/94
 -Expiration of Second Notice Period: 7/25/95

Sheltered Care Facilities Code (77 Ill Adm Code 330)

-First Notice Published: 18 Ill Reg 11829 - 7/29/94
 -Expiration of Second Notice Period: 7/25/95

Emergency Medical Services Code (77 Ill Adm Code 535)

-First Notice Published: 19 Ill Reg 1745 - 2/17/95
 -Expiration of Second Notice Period: 7/29/95

Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)

-First Notice Published: 18 Ill Reg 11714 - 7/29/94
 -Expiration of Second Notice Period: 7/25/95

Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)

-First Notice Published: 18 Ill Reg 11771 - 7/29/94
 -Expiration of Second Notice Period: 7/25/95

Illinois Trauma Center Code (77 Ill Adm Code 540)

-First Notice Published: 19 Ill Reg 1242 - 2/10/95
 -Expiration of Second Notice Period: 8/2/95

Grade A Pasteurized Milk and Milk Products (77 Ill Adm Code 775)

-First Notice Published: 19 Ill Reg 6294 - 5/5/95
 -Expiration of Second Notice Period: 3/13/95

Manufactured Dairy Products (77 Ill Adm Code 785)

-First Notice Published: 19 Ill Reg 6300 - 5/5/95
 -Expiration of Second Notice Period: 3/13/95

Revenue

Retailers' Occupation Tax (86 Ill Adm Code 130)

-First Notice Published: 19 Ill Reg 5240 - 4/7/95
 -Expiration of Second Notice Period: 8/9/95

Retailers' Occupation Tax (86 Ill Adm Code 130)

-First Notice Published: 19 Ill Reg 5450 - 4/14/95
 -Expiration of Second Notice Period: 8/9/95

Transportation

Procedures and Enforcement (92 Ill Adm Code 386)

-First Notice Published: 19 Ill Reg 6193 - 4/28/95
 -Expiration of Second Notice Period: 8/9/95

Motor Carrier Safety Regulations: General (92 Ill Adm Code 390)

-First Notice Published: 19 Ill Reg 6170 - 4/28/95

-Expiration of Second Notice Period: 8/9/95

Qualification of Drivers (92 Ill Adm Code 391)

-First Notice Published: 19 Ill Reg 6197 - 4/28/95
 -Expiration of Second Notice Period: 8/9/95

Driving of Motor Vehicles (92 Ill Adm Code 392)

-First Notice Published: 19 Ill Reg 6156 - 4/28/95
 -Expiration of Second Notice Period: 8/9/95

Parts and Accessories Necessary for Safe Operation (92 Ill Adm Code 393)

-First Notice Published: 19 Ill Reg 6189 - 4/28/95
 -Expiration of Second Notice Period: 8/9/95

Hours of Service of Drivers (92 Ill Adm Code 395)

-First Notice Published: 19 Ill Reg 6160 - 4/28/95
 -Expiration of Second Notice Period: 8/9/95

Inspection, Repair and Maintenance (92 Ill Adm Code 396)

-First Notice Published: 19 Ill Reg 6166 - 4/28/95
 -Expiration of Second Notice Period: 8/9/95

Driving and Parking (92 Ill Adm Code 397)

-First Notice Published: 19 Ill Reg 6153 - 4/28/95
 -Expiration of Second Notice Period: 8/9/95

University of Illinois

University Rules on Charitable Fund Drive for the Urbana-Champaign Campus (80 Ill Adm Code 2675)

-First Notice Published: 19 Ill Reg 6008 - 4/21/95
 -Expiration of Second Notice Period: 7/27/95

EMERGENCY RULEMAKINGS

Banks and Trust Companies

Quarterly Statement of Affairs (93 Ill Adm Code 371) (Emergency?)

-Notice Published: 19 Ill Reg 3134 - 7/7/95

Environmental Protection Agency

Clean Air Act Permit Program Procedures (35 Ill Adm Code 270) (Emergency?)

-Notice Published: 19 Ill Reg 7976 - 6/15/95

Insurance

Traditional Long-Term Care Insurance (50 Ill Adm Code 2012) (Emergency?)

-Notice Published: 19 Ill Reg 8403 - 6/23/95

Mental Health and Developmental Disabilities

Medicaid Community Mental Health Services Program (59 Ill Adm Code 132) (Emergency)

-Notice Published: 19 Ill Reg 9200 - 7/7/95

Public Aid

Application Process (89 Ill Adm Code 110) (Emergency)

-Notice Published: 19 Ill Reg 8429 - 6/23/95

Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113) (Emergency)

-Notice Published: 19 Ill Reg 8409 - 6/23/95

General Assistance (89 Ill Adm Code 114) (Emergency)

-Notice Published: 19 Ill Reg 8434 - 6/23/95

Medical Assistance Programs (89 Ill Adm Code 120) (Emergency)

-Notice Published: 19 Ill Reg 9280 - 7/7/95

Medical Payment (89 Ill Adm Code 140) (Emergency)

-Notice Published: 19 Ill Reg 8455 - 6/23/95

Medical Payment (89 Ill Adm Code 140) (Emergency)

-Notice Published: 19 Ill Reg 9297 - 7/7/95

Public Health/Health Facilities Planning Board

Processing, Classification Policies and Review Criteria (77 Ill Adm Code 1110) (Emergency)

-Notice Published: 19 Ill Reg 7981 - 6/16/95

Racing Board

Procedures For License Hearings (11 Ill Adm Code 205) (Emergency)

-Notice Published: 19 Ill Reg 8011 - 6/16/95

Interstate Common Pools (11 Ill Adm Code 302) (Emergency)

-Notice Published: 19 Ill Reg 8002 - 6/16/95

Medication (11 Ill Adm Code 509) (Emergency)

-Notice Published: 19 Ill Reg 8005 - 6/16/95

Identification of Horses (11 Ill Adm Code 1307) (Emergency)

-Notice Published: 19 Ill Reg 8809 - 6/30/95

EXPEDITED CORRECTION

Professional Regulation

Dietetic and Nutrition Services Practice Act (63 Ill Adm Code 1245)

EXEMPT RULEMAKINGS

Pollution Control Board

Sewer Discharge Criteria (35 Ill Adm Code 307)

-Proposed Date: 3/10/95

-Adopted Date: 7/7/95

Primary Drinking Water Standards (35 Ill Adm Code 611)

-Proposed Date: 3/31/95

-Adopted Date: 6/30/95

AGENCY RESPONSES

Alcoholism and Substance Abuse

Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill Adm Code 2090)

-First Published: 19 Ill Reg 3106 - 3/17/95

-Objection Date: 6/20/95

-Response: Modification

Central Management Services

Pay Plan (80 Ill Adm Code 310)

-First Published: 19 Ill Reg 2481 - 3/3/95

-Recommendation Date: 4/18/95

-Response: Agreement

Education

Public Schools Evaluation, Recognition and Supervision (23 Ill Adm Code 1)

-First Published: 19 Ill Reg 5137 - 3/13/95

-Recommendation Date: 4/18/95

-Response: Agreement

Public Aid

Hospital Services (89 Ill Adm Code 148)

-First Published: 19 Ill Reg 3167 - 3/17/95

-Objection Date: 6/20/95

-Response: Refusal to Modify

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 5, 1995 through July 10, 1995, and have been scheduled for review by the Committee at its August 15, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
3/18/95	Department of Public Aid, Child Support Enforcement (89 Ill Adm Code 160)	11/14/94 18 Ill Reg 16510	8/15/95

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ANNUAL SUBSCRIPTION AND SUPPLEMENT TO THE ILLINOIS ADMINISTRATIVE CODE; PUBLISHED
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GEORGE H. RYAN
SECRETARY OF STATE

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Index Department
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Springfield, IL 62756

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PLEASE USE THIS FORM FOR ALL ORDERS TO BE FULFILLED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA. ALL ORDERS MUST BE PLACED IN ADVANCE OF THE DATE OF DELIVERY. CHECKS AND CREDIT ADVANCES ARE SUBJECT TO APPROVAL BY THE GOVERNMENT.

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